

**FINAL REPORT<sup>©</sup>**

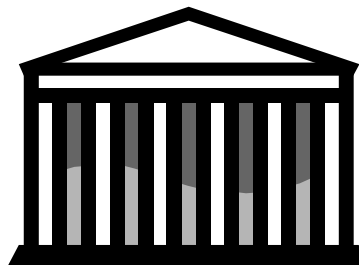
**Independent Evaluation**

**Indiana Family Court Initiative**

**Submitted to:**

**Indiana Supreme Court Family Court Task Force**

**August 2001**



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### ***Acknowledgements***

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*Appreciation is also expressed to Chief Justice Shepard and the Indiana Supreme Court for their collective interest and willingness to facilitate the family court pilot project. CFCC also wishes to express its appreciation to Lila Judson, Director of the Indiana Division of State Court Administration and her staff for their continuing assistance and support during this project. Thanks also to Judge Margret Robb, Chair of the Family Court Task Force and its members for their collective program interest and support.*

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# ***Indiana Family Court Evaluation Report***

## ***I. Introduction***

### **Report Overview**

Central to determining success of any pilot family court initiative is the development and application of a systematic outcome evaluation component. This process involves the identification of three significant outcomes and accompanying measures as summarized below:

Outcome 1: Develop outcome and performance measures for family court

Measure (a): Create appropriate and functional outcomes and performance measures for pilot family courts.

Outcome 2: Collect and analyze case data, survey instruments and other documentation or experiential data to assess family court performance.

Measure (a): Capture requisite data needs via development of appropriate data collection instruments.

Measure (b): Provide technical assistance to pilot sites in implementation and maintenance of data collection efforts.

Measure (c): Collect data on a comprehensive and timely basis.

Measure (d): Collect data on a comprehensive and timely basis statewide.

Measure (e): Compile and assess documentation from pilot projects of forms, written procedures and policies necessary for implementation and maintenance of the pilot program efforts.

Measure (f): Compile data and observations that indicate community involvement pilot family court development and needed services development.

Measure (g): Compile and assess procedural or evidentiary rules developed and/or utilized by pilot sites for coordination of family cases.

Outcome 3: Complete written evaluation and recommendations for future implementation or expansion of future family court efforts.

Measure (a): Complete a written Executive Summary.

Measure (b): Complete a detailed written report that includes summarization of data collected, assessment of pilot projects against performance measures and recommended modifications, cost/benefit analysis to the extent possible, feasibility of adapting family court principles in jurisdictions other than the pilot sites, and assessment of needs or concerns regarding family court principles on a statewide basis.

The Indiana Supreme Court retained the Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law to measure these outcomes and perform the identified measures. For the purpose of completing these Outcomes and the Measures associated with them, CFCC participated and in the following activities:

- Conduct an evaluation orientation for the Judges, Magistrates and Project Case Coordinators from each pilot site.
- Visit each project site and conduct individual interviews of the lead project site Judge, the Project Case Coordinators, Magistrates and other family court project staff.
- Conduct brief family court orientation workshops at each project site and discuss project progress in focus group format.
- Review and advise Project Case Coordinators on data collection formats, use of case management forms and practices and other technical assistance issues.
- Prepare for and conduct 3 focus group workshops in which judges, family law practitioners, service providers and other system stakeholders participate.
- Develop and mail 300 surveys to judges and family law practitioners located throughout Indiana.
- Provide technical assistance to project sites, the project consultant and the Division of State Court Administration relative to family court management and operations issues on a continuing basis.

**To report on these activities and efforts, CFCC has structured this report in two parts. The first portion of the report addresses outcomes from a comprehensive survey effort and from three focus group sessions. The second portion of the reports addresses progress and outcomes from the three family court pilot sites.**

This report is intended to be reviewed by the Indiana Supreme Court, the Indiana Division of State Court Administration, pilot project administrators, managers, task forces or advisory bodies, the judges and court staff who have worked on and within the pilot projects and other interested parties.

### **History/Background**

Beginning in 1997, the Indiana Supreme Court expressed interest in the concept of Unified Family Courts when Chief Justice Randall Shepard requested funding from the

Indiana Legislature to develop and pilot family courts within Indiana. In 1998, Supreme Court Justice Frank Sullivan, with several other Indiana judges, attended the American Bar Association Summit on Unified Family Courts. This program fueled the impetus for Indiana to shift its thinking toward a justice system that might handle family matters more holistically, while emphasizing less adversarial dispute resolution and earlier assessment of family dysfunction.

In 1999, the Indiana Supreme Court received funding from the Legislature to develop and implement three pilot family court projects. Administrative responsibility for these pilot projects has been located within the Indiana State Division of State Court Administration. Ms. Frances Hill, an attorney and former member of the law faculty at Indiana University School of Law, was retained as an independent consultant by the State Court Administrative Office to fulfill daily administrative and management responsibilities for the pilot project effort.

During fall 1999, Chief Justice Shepard appointed Indiana Court of Appeals Judge Margaret Robb to chair a Family Court Task Force that he charged with soliciting and reviewing applications for pilot family court projects. The Task Force ultimately recommended to the Indiana Supreme Court, three courts for selection as pilot family court designees.

In January 2000, after reviewing written applications from eight counties and hearing oral presentation from six of those counties, the Family Court Task Force recommended to the Indiana Supreme Court the following three counties be awarded family court pilot projects:

- Johnson County (Franklin)

Judge: Hon. K. Mark Loyd,  
Magistrate: Hon. Craig S. Lawson  
Administrator: Donna S. Sipe, Esq.  
Case Manager: Joan Pfifer

- Monroe County (Bloomington)

Judges: Hon. Viola J. Taliaferro  
Hon. Marc R. Kellams  
Case Manager: Colleen McPhearson

- Porter County (Valparaiso)

Judge: Hon. Mary R. Harper  
Court Coordinator: Alison M. Cox  
Case Managers: Marc E. Brown, Martha L. Wischmeyer  
Special Services Probation Officer: Kate R. Swartz

In February 2000, the Supreme Court formally designated these counties for pilot family court projects.

### **Supreme Court Rules**

After multiple drafts by the pilot counties and the Division of State Court Administration, the Supreme Court promulgated in July 2000 four family court rules exclusively for the use of the pilot family court sites through December 2001. These rules appear below.

#### ***Rule 1: Exercise of Jurisdiction***

The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case (Child in Need of Services, Delinquency, Status and Paternity) involving the family.

#### ***Rule 2: Concurrent Hearings***

The Family Court may, in the court's discretion, set hearings on related cases to be heard concurrently, take evidence on the related cases at these hearings, and rule on the admissibility of evidence for each cause separately as needed to adequately preserve the record for appeal. This rule applies only when the cases are pending before the same judicial officer.

#### ***Rule 3: Designation of Family Court Case and Change of Judge***

Once notice is sent to the parties that a case has been selected for family court, no motion for change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76.

Within ten (10) days after notice is sent that a case has been selected for family court, a party may object for cause to the family court designation.

A motion for change of venue from the judge in any matters arising in the family court proceeding or any future cases joined in the family court proceeding after the initial selection of cases, shall be granted only from cause.

If a special judge is appointed, all current and future cases in the family court proceeding may be assigned to the special judge.

#### ***Rule 4: Judicial Notice and Access to Records***

**Notice of Case Assignment.** Within a reasonable time after a case is assigned to family court, the court shall provide to all parties in the family court proceeding a list of all cases that have been assigned to that family court proceeding.



**Judicial Notice.** Any court having jurisdiction over a case assigned to family court may take judicial notice of any relevant orders or Chronological Case Summary (CCS) entry issued by any Indiana Circuit, Superior, County or Probate Court.

If a court takes judicial notice of:

- (a) a court order, the court shall provide a copy of that order; or
- (b) a CCS or CCS entry(s), the court shall provide a copy of the entire CCS.

The court shall provide copies of the order or CCS to the parties to the case at or before the time judicial notice is taken.

**Access to Records.** Parties to a family court proceeding shall have access to all cases within the family court proceeding, with the exception of confidential cases or records to which they are not a party. Parties may seek access to the confidential cases or records in another case within the family court proceeding in which they are not a party, by written petition based on relevancy and need. Confidential records shall retain their confidential status and the family court shall direct that confidential records not be included in the public record of the proceedings.

### **Surveys and Focus Groups**

As an additional component of the family court project, the Supreme Court was interested in learning more about the needs of Indiana's judicial system relative to the manner in which it handles cases related to children and their families. While the individual pilot project efforts provide the Court with the means to observe potential practices that will benefit families in the courts, not all court jurisdictions within Indiana were provided an opportunity to develop and implement a pilot family court project. Therefore, CFCC developed a survey instrument that was distributed to 300 potential respondent judges and lawyers in the effort to secure a broader profile of the needs of families in the justice system.

Distribution of the survey instrument was one of two broader components to the project. The second was the facilitation of three focus groups of multi-disciplinary representation for the purpose of identifying, on both a group and individual basis, the priority needs of the Indiana courts relative to the manner in which child and family cases are addressed.

The outcomes of the survey and focus group efforts are addressed in Section II of this report, *Indiana Family Justice Needs Assessment*, which immediately follows.

## ***II. Indiana Family Justice Needs Assessment***

### **Overview**

A significant portion of the Indiana Supreme Court Family Court Project has included the development and administration of a survey instrument, the purpose of which is to help identify present and significant practices related to the court handling of matters related to Indiana's children and families.

Another additional and significant portion of the Family Court Project was to conduct three focus group sessions in which multi-disciplinary groups composed of judicial officers, practicing attorneys and representatives from services agencies and the treatment community could discuss and prioritize the needs of Indiana's system of family justice.

This section details the findings and suggests conclusions that may be drawn from each of these efforts.

### **Survey Results**

The Center for Families, Children and the Courts at the University of Baltimore developed the survey instrument as attached hereto as Appendix 1. This survey was divided in two parts, to wit: demographics and case management issues.

### ***Demographic Information***

The survey instrument was distributed to 100 judicial officers who were randomly identified from a list provided by the Indiana Division of State Court Administration. 46 (46%) judicial officers returned completed surveys. The survey was also distributed to 200 practicing Indiana attorneys with past involvement in family or juvenile law matters. These attorneys were randomly identified from a list provided by the Indiana Bar Association. 62 (31%) attorneys returned completed surveys. One additional respondent, identified as a Probation Officer, returned a completed survey. The rate of return for completed surveys is 36.3%. The graphic below provides a visual analysis for the rate of returned surveys.

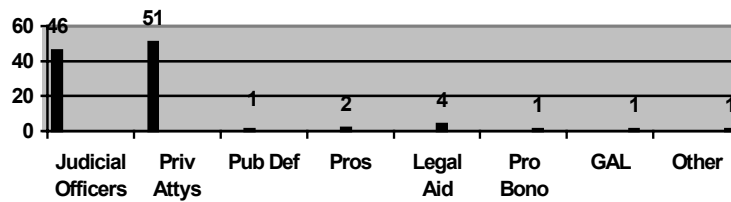


Chart No. I-1  
Survey Respondents by Discipline

The Survey also requested demographic information from respondents concerning the number of years of service in their present position and their employers. The following graphic reflects the responses to this request for information.

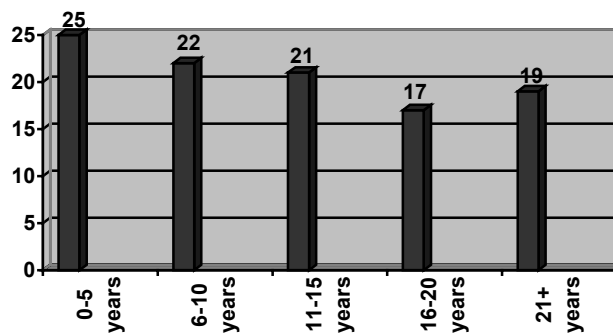


Chart No. I-2  
Number of years of service in present position

Note that while the highest rate of respondents came from those who have been in their present positions less than 5 years, the majority of respondents have been in their positions for 11 or more years. The respondent average is between 0 and 10 years of service in their present position. Interestingly, only 48 respondents chose to identify their employers. 36 of those 48, or 75% identified their employer as the state of Indiana.

This demographic information was requested so that CFCC would have some sense of the disciplines and level of knowledge of respondents in analyzing responses to substantive questions in the survey instrument.

### ***Case Management Issues***

Case management issues questions were divided into four areas: Coordination, Alternative Dispute Resolution, Services and Training and Education.

### Coordination

The purpose for posing questions relative to case coordination was to aid in determining the volume of cases in which multiple cases involving the same family are present in the Indiana Courts. Respondents were asked to estimate the percentage of cases they address or handle wherein they know of other family members who have other matters pending or wherein, the same party has more than one matter concerning the family pending in the courts. Results of those estimates appear in the graphic representation below.

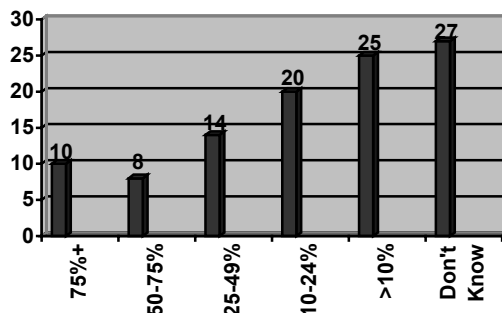


Chart No. I-3  
Cases in which there is more than one case  
or more than one family member involved in a court matter

That the highest response rate is among respondents who indicate no knowledge of this rate may indicate: (1) potentially little practice in or exposure to family/juvenile law matters; or (2) absence of any established procedure, policy or practice standards that would compel discovery of this information. Significant however is that a substantial number of respondents (52) state that multiple cases involving the same person or family occur between 10% to over 75% of the time. The average response falls between 10-24% and 25-49%. This is consistent with rates identified in past studies.<sup>1</sup> Therefore, the frequency with which families in Indiana that appear in court for more than one matter is significant enough to be concerned about examining the means by which the courts can most effectively work with these families.

To this end, the survey requested information from respondents about whether they asked their client or the litigant if they have other matters pending in the courts. The following graphic details the response to this question.

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<sup>1</sup> H. Ted Rubin and Victor Flango, *Court Coordination of Family Cases*, National Center for State Courts (1992) pages 40-42.

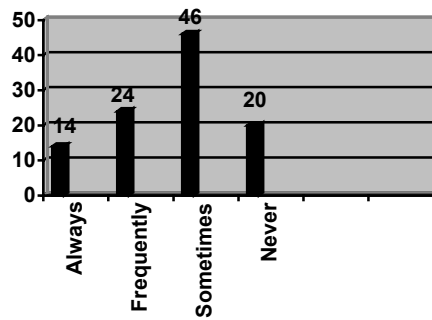


Chart No. I-4  
Asking about other pending matters in Court

As can be seen, respondents were diverse in their responses. That 20 or 19% of respondents indicated they never inquire about other pending matters may have contributed to the indication in the Chart above that 26% of respondents simply didn't know about the frequency of this situation. However, that 44% indicated they sometimes inquire indicates some sense of importance about this issue, absent any standard of accepted practice.

Respondents were then asked about how such multiple family member or case involvement normally comes to their attention. The graphic below indicates their responses.

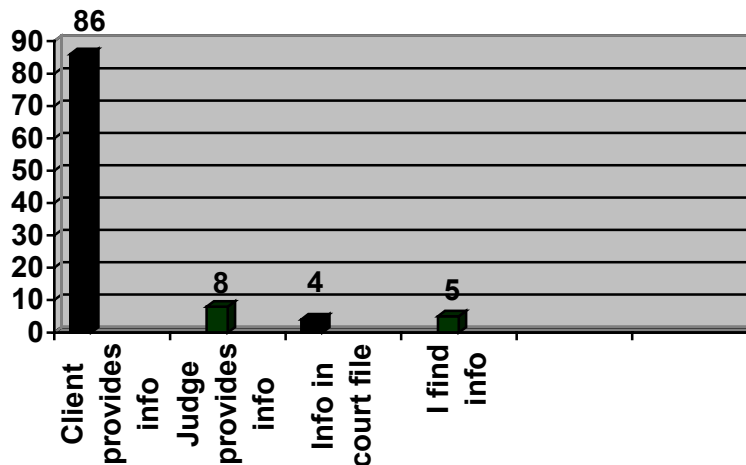


Chart No. I-5 How information comes to your attention

Overwhelmingly, respondents discover this information from the client or litigant. Therefore, of concern is the fact established in Chart No. I-4 that inquiry of the client or litigant occurs less than 50% of the time from the perspective of 44% of respondents. These data suggest that use of an automated information system in which the court can discover this information would be more reliable.

Respondents were also asked about what steps, if any, they take after they learn of multiple case or family member involvement in the courts. The graphic below indicates responses to this inquiry.

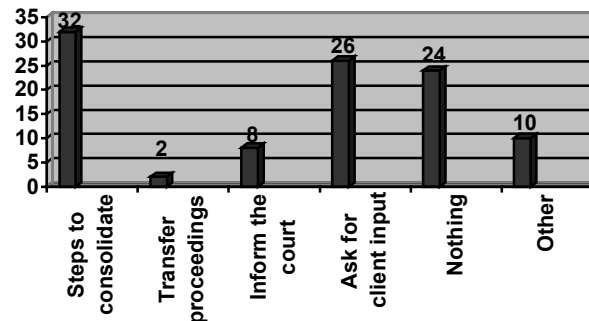


Chart No. I-6 Procedure after discovering multiple proceedings

This indicates that the vast majority of respondents take a pro-active approach when multiple case or family member involvement is discovered. However, that nearly 24% (24) of respondents do nothing indicates need for further inquiry via an additional survey question which asks for reasons for not taking an active approach in these circumstances. This graphic appears below.

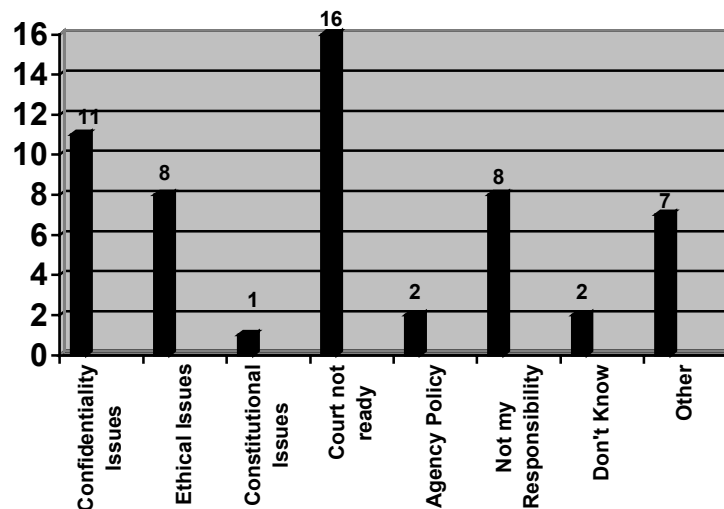


Chart No. I-7 Why No Action Taken?

16 of 55 respondents or 29% believe the courts are not prepared to handle coordinated or consolidated proceedings. The next most frequent response concerns confidentiality (20% of respondents) issues surrounding consolidation, coordination or transfer. Of some concern is the fact that for the prior question only 24 respondents indicated they do

nothing with respect to such matters, but 55 respondents answered this question. This may be attributable to those respondents who do not take action in every situation where multiple family proceedings exist for reasons identified in Chart I-7.

Respondents were asked to indicate whether the court where they work or practice performs “intake services” which were defined for the purpose of the survey on the bottom of page 2 (within Appendix A attached hereto). Responses appear in the graphic below.

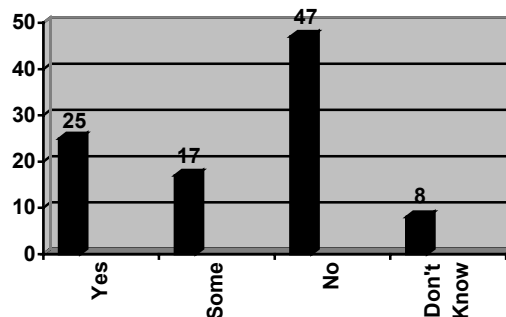


Chart No. I-8 Intake Services

Many courts consider their ability to manage and process cases to be greatly enhanced by performing meaningful intake services.<sup>2</sup> 47 of 97 respondents (48%) indicate that intake services are not performed in child or family cases. Another 8 respondents (8%) don't know and only 25 (26%) indicate intake services are uniformly performed. The potential value of intake services for juvenile and family law cases might be considered as a continuing education topic for appropriate practitioners in Indiana, assuming this to be accurate.

For those who indicated that the court does perform intake services, the survey requests identification of those services. The following graphic represents the response to this query.

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<sup>2</sup> Jeffrey A. Kuhn, *A Seven Year Lesson on Unified Family Courts: What We Have Learned Since the 1990 National Family Court Symposium*, Family Law Quarterly, American Bar Association (1998), page 71 and US DEPARTMENT OF JUSTICE, DIFFERENTIATED CASE MANAGEMENT, BUREAU OF JUSTICE ASSISTANCE FACT SHEET (Nov. 1995).

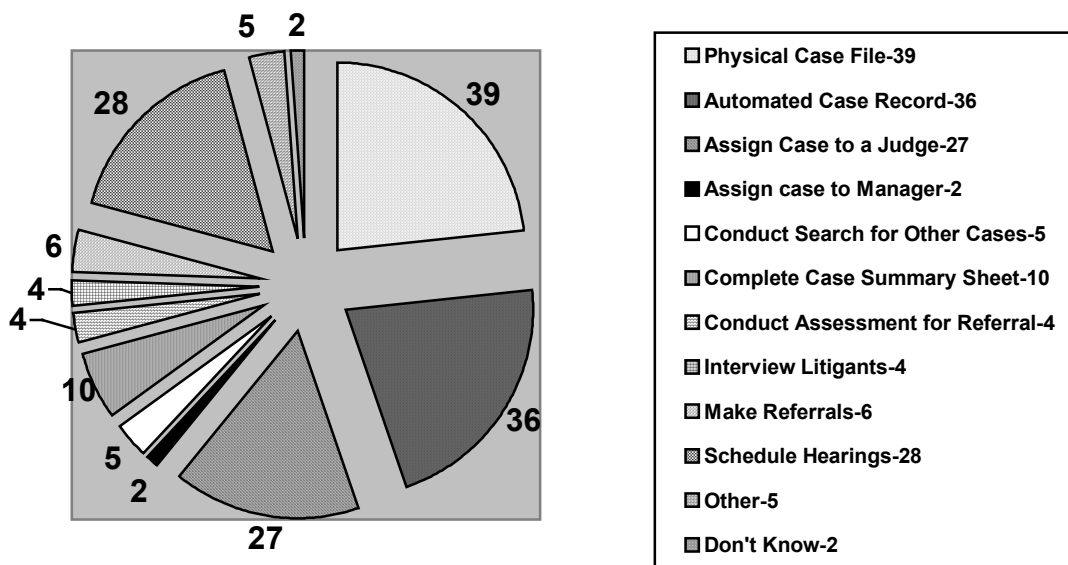


Chart No. I-9 Intake Services the Court Performs

If the 42 respondents who indicated that the courts perform intake services responded to this question, it is safe to assume that several types of intake services are performed within respondent jurisdictions. Particularly encouraging is that 36 respondents (86%) indicated that an automated case record is established as part of the intake procedure. However, it is important to note that 42 respondents represent only 43% of the total respondent pool for questions concerning intake services. Less encouraging is that family history inquiries and assessments for service referral are conducted far less frequently as part of the intake process.

### *Alternative Dispute Resolution*

In his State of the Judiciary address in January 1997, Chief Justice Randall Shepard emphasized the importance of alternative dispute resolution (ADR) as an effective means to manage the burgeoning caseload of the Indiana courts.<sup>3</sup> In the application for family court pilot projects, a fundamental principle of the family court concept is identified as “(4) avoids unnecessary courtroom litigation through conferencing, mediation, or other Alternative Dispute Resolution.”<sup>4</sup> Moreover, and as a matter of general principle, judges and practitioners of family law matters almost universally agree that family legal disputes are more effectively resolved through some form of alternative dispute resolution rather than through traditional adversarial process.

<sup>3</sup> Chief Justice Randall T. Shepard, *Trying Something New*, STATE OF THE JUDICIARY TO A JOINT SESSION OF THE INDIANA GENERAL ASSEMBLY (January 30, 1997).

<sup>4</sup> See: PRINCIPLES OF THE FAMILY COURT CONCEPT as attached to the FAMILY COURT PILOT PROJECT APPLICATION to be returned to the Division of State Court Administration. (1999).



Therefore, survey respondents were requested to indicate if ADR services are available to family law litigants in the jurisdictions where they sit or practice, what services are available, whether is a fee for these services and whether ADR is mandated by rule, policy, practice or otherwise. The following graphics detail their responses.

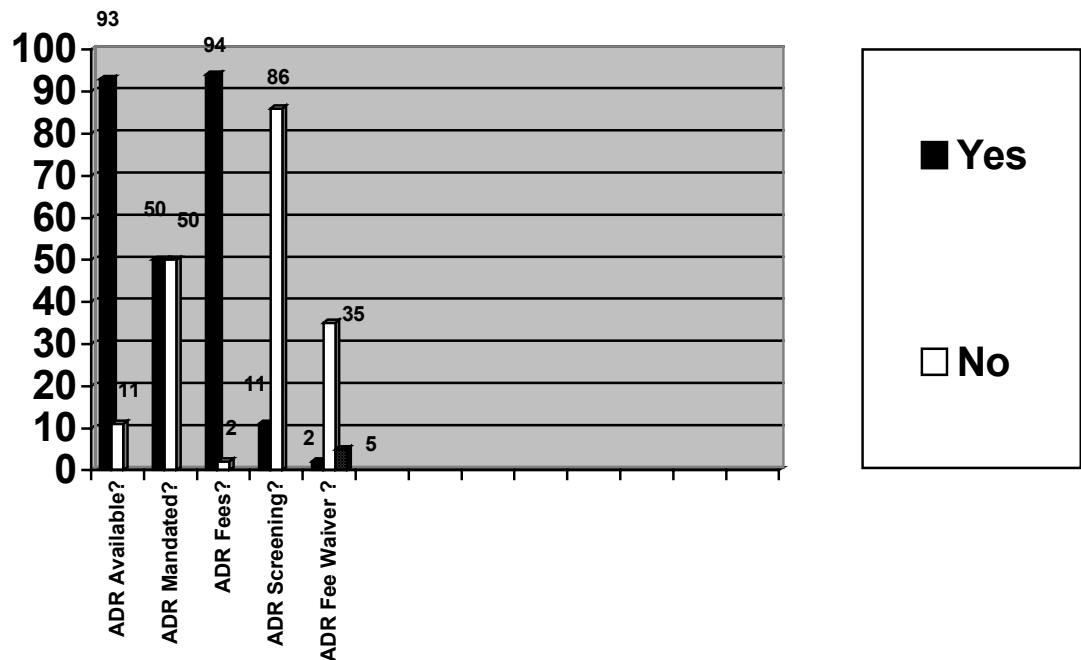


Chart No. I-10 Availability, Mandate, Fees and Screening for ADR Services

Note that fee waivers for ADR services are rarely available. Because assessment of fees for ADR services relates directly to access to ADR services, respondents were requested to provide information concerning the nature of the fees assessed for such services. The following graphic details their response to this request for information.

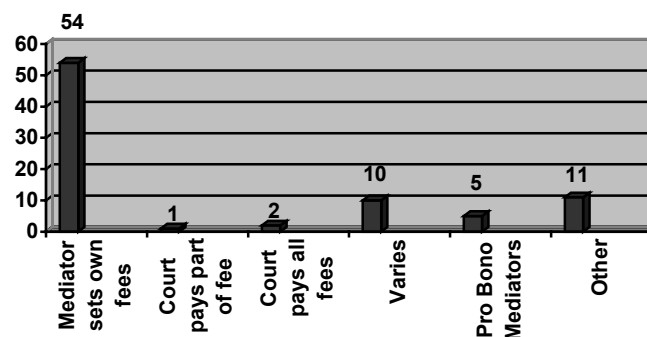


Chart No. I-11 Nature of ADR fees assessed

65% of respondents indicate that Mediators set their own fees. Note also that 6% of respondents indicate the availability of Pro Bono Mediators and that in 3 instances (4%) the court pays either part or all of the cost of mediation services within ADR efforts.

The following indicates the types of ADR considered available by respondents.

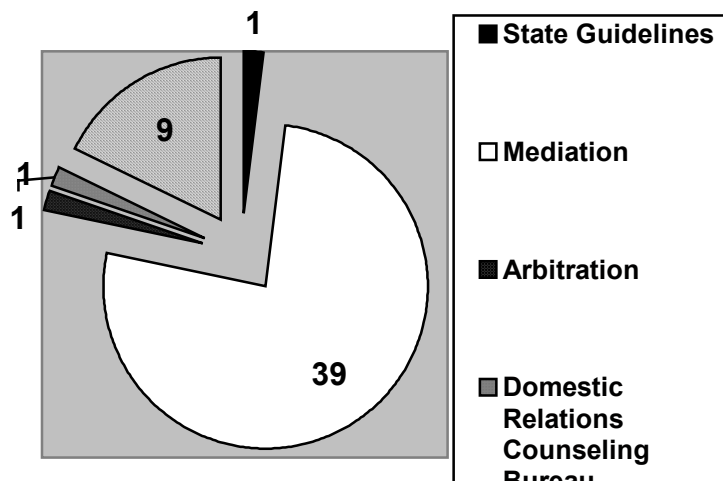


Chart No. I-12 Forms of ADR Services

The 93 or 89% of respondents indicate the availability of ADR services for families in their jurisdictions. Jurisdictions are apparently evenly split on the mandate for ADR services. Only 11% of respondents indicate that ADR screening is utilized for the purpose of determining appropriateness of ADR for the parties. As can be seen, the most prevalent form of ADR services is mediation (76% of those responding the question.) That 18% of respondents indicated use of some other form of mediation may be attributed to pre-trial conferencing activities and informal settlement negotiations between the parties or their attorneys.

Therefore, understanding and use of ADR services appears largely confined to mediation services for those litigants who can afford to pay for them. Anecdotally, judges and lawyers express awareness of the general inappropriateness of using ADR services wherein a documented history of domestic violence exists within the subject family. This issue may not have been recognized in choosing the response to the survey question concerning screening for appropriateness of mediation.

### *Services*

Improving the manner in which the justice system responds to children and their families requires judges, lawyers, court professionals and family service providers to develop and implement strategies that help to identify family service needs and make linkages to those services as efficiently and quickly as possible. Therefore, the subject survey instrument asked respondents to think about service needs for families in court. Specifically, respondents were asked to identify five of the highest priority service needs for children

and families in court within the jurisdictions where they work or practice. The following graphic details the responses that were received.

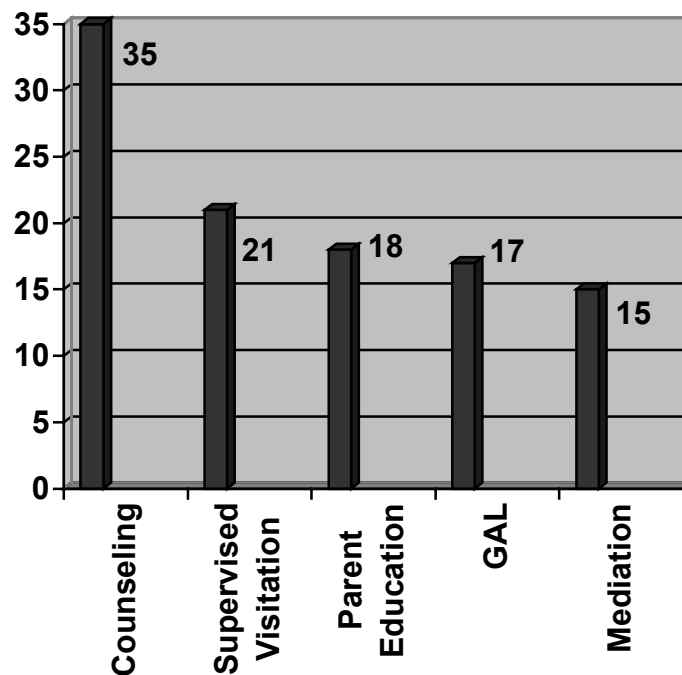


Chart No. I-13 Top Five Services Needed

The five most frequently cited services needs appear above. Each of the identified service needs requires some creative thinking relative to the manner in which delivery of these services might increase or occur. Counseling services might be increased through negotiated cooperative agreements between mental health service providers in the community and the local courts. Supervised visitation program services might be increased through development and implementation of court-sponsored elder volunteer programs. Parent education programs have become common during the 1990's and can be supported by proceeds from federal block grants to increase parent access to their children (Federal Office of Child Support Enforcement). Guardian at Litem programs can be increased through partnership development between the courts and the bar association. And, mediation services for all parties are often expanded through cooperative efforts between the court, the practicing bar and the community from both a professional and volunteer mediation services perspective.

Use of volunteers to increase services for children and families in court can be a cost and outcome effective means to meet demands for increased services. While these programs can require initial resources for recruitment, screening, training and management, their long-term benefits are considerable.<sup>5</sup> To this end, survey respondents were asked to

<sup>5</sup> For more information concerning effective family services programs in which volunteers are involved, contact the New Jersey Administrative Office of the Courts, Family Division at 609-984-4228.

indicate whether any community volunteer programs exist in their jurisdictions and if so, to identify them. The graphics below detail the response to this inquiry.

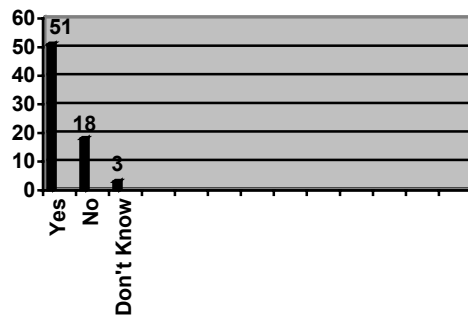


Chart No. I-14 Volunteer Programs in Existence?

72 of 104 potential respondents (69%) responded to this inquiry. Remaining respondents may not have volunteer services present in their respective communities or declined to answer for other reasons. Of those responding, 71% indicate the presence of some volunteer services program.

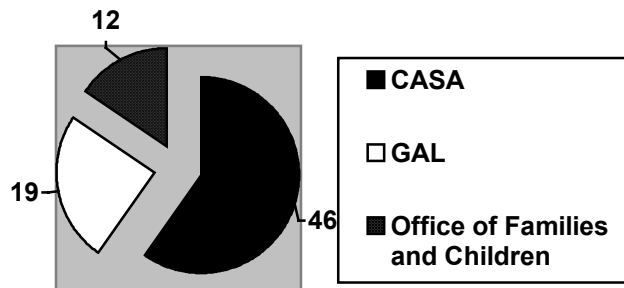


Chart No. I-15 Volunteer Services Identified

60% of the respondent pool identified CASA (Court Appointed Special Advocate Programs) as the volunteer service program in their communities. Some respondents may have mistaken the Office of Families and Children as a volunteer service program for the purpose of this question. It appears the scope of volunteer services that are available to children and their families in the Indiana courts is limited to CASA and Guardian ad Litem services.

Development of local resource centers, community coalitions or task forces that facilitate partnerships and help discover additional resources are considered important players in complete systems for effective family justice. Respondents were therefore requested to

identify any such entities in their own jurisdictions where they sit or practice. The following graphic details their responses.

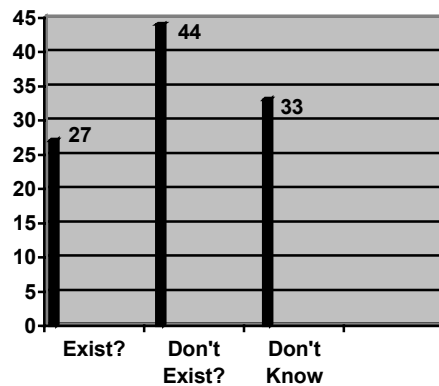


Chart No. I-16 Existence of Community Coalition

26% of all respondents note the existence of some community coalition or similar group in their jurisdictions. 32% of respondents indicate they simply do not know if any such entity exists. Those respondents who indicated the presence of such a group were asked to describe its purpose, services and target population. Those who responded (5) indicated these groups to be non-profit entities underwritten by United Way or small, local grants, existing for the purpose of providing emergency or crisis care resources for families in need of such services. No respondent indicated active participation by a representative of the local court.

### *Training and Education*

The highly complex and emotional nature of child and family matters in the courts has long been acknowledged as an area in which judges, attorneys and services providers require extensive and continuing training and education. Respondents were therefore requested to provide that information in the survey about the training/educational programs they have attended during the preceding 12 months. The following graphic details the response to this survey question.

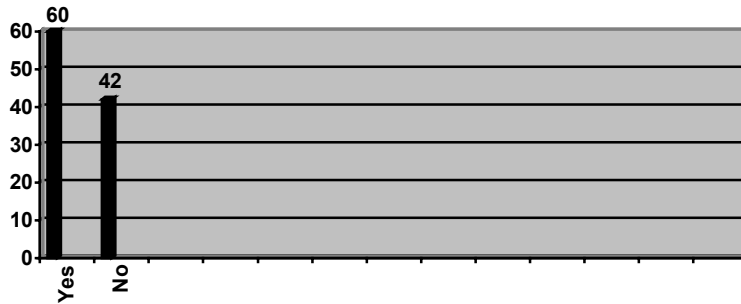


Chart No. I-17 Attendance at Training Program in last 12 months

This graphic indicates that 59% of respondents have attended relevant training programs on child and family matters in the courts during the last 12 months. This outcome may be representative of the need to consider alternative, more convenient means to participate in continuing education programs through video conferencing and other distance learning initiatives.

### *Survey Conclusions*

The rate of return for completed surveys (108 of 300 or 36.3%) is a sample that is sufficient enough to maintain data integrity and draw credible conclusions.<sup>6</sup> That 46% of judicial officers returned completed surveys helps to increase the credibility of survey results. Moreover, the average years of experience in the field as indicated by survey respondents indicates a well-informed respondent group whose answers to survey questions can be considered an accurate reflection of the state of practice for the particular response.

The responses to questions concerning the coordination of child and family cases in the Indiana courts indicates there is no formal, uniform tracking mechanism or procedure in place that facilitates the linkages of cases between family or same household members. When such linkages occur, they do so based on coincidental circumstances that disclose themselves through family members, themselves. Because the client or the litigant is the most frequent source of this information, there appears to be a need for the courts to develop a more formal mechanism in order to secure that information on a regular basis.

Survey respondents indicate they are prepared to take a pro-active approach to coordinated case management, but they appear to need guidance from court policy-makers. Respondents observing that the most frequent reasons for not linking family member cases are that the court is not equipped to handle such linkages and that such efforts would jeopardize confidentiality of information indicate this.

Respondents appear to be interested in expanding the notion of intake services for more effective management of family law cases, but their responses tend to indicate a cultural

<sup>6</sup> RICHARD A. BERK AND PETER H. ROSSI, THINKING ABOUT PROGRAM EVALUATION (1990), as cited in *Methodological Considerations in Evaluating Family Court Programs*, 35 FAM. & CONCILIATION COURTS REVIEW (1997).

change lead by effective education and court leadership is necessary to develop this notion. That respondents indicated with some regularity that cases are established via an automated record is encouraging and bodes well for expanding functional use of automation to more effectively manage family law matters.

Interest among respondents in alternative dispute resolution is strong, but the concept must be more fully developed in Indiana. Increased mediation training is needed. Means to ensure equal access for all litigants to ADR programs and services requires exploration, as does alternative forms of ADR beyond traditional mediation services. Further thought might be given to the value of intake screening for ADR appropriateness, a concept that is receiving increased attention in many courts outside of Indiana.

Need for additional services as identified by survey respondents indicate a need for increased networking between the courts, the community and agencies that provide services to families. Judicial leadership is a key element to leading local efforts that result in resource-sharing and additional services for families. The potential for including the community as a valuable volunteer services resource should be explored, again with the aid of judicial leadership.

Survey results indicate the need to expand educational and training opportunities for those who work with children and families in the courts. Alternatives to traditional classroom educational workshops such as video conferencing and other distance learning technologies should be explored.

### **Focus Group Results**

The second portion of the needs assessment effort conducted by CFCC consisted of facilitating three focus group sessions over a day and a half period of time in Indianapolis. Each focus group session was conducted for approximately three hours. Each focus group included approximately 30 multi-disciplinary participants, including judges, attorneys from private practice and public agencies, direct service providers, school representatives, mental health service providers, CASA program directors and law enforcement representatives.

Participants were provided an overview of the Family Court Pilot Project. They were then asked to think about their roles in the family justice system, to think about what works, what requires improvement and the greatest needs of the system. Individual participation in each of the focus groups was excellent. Each discipline was provided specific opportunity to respond to these requests and a comprehensive outline of the points raised was recorded in flipchart format within the sessions. That outline has been refined and is attached hereto as Appendix 2. With 15 to 20 minutes remaining in each focus group, participants were given three colored stickers and asked to affix them on the flipchart pages next to their three highest priorities for the family justice system in Indiana. The graphic below details those issues that were recognized as having the most immediate need for improvement.

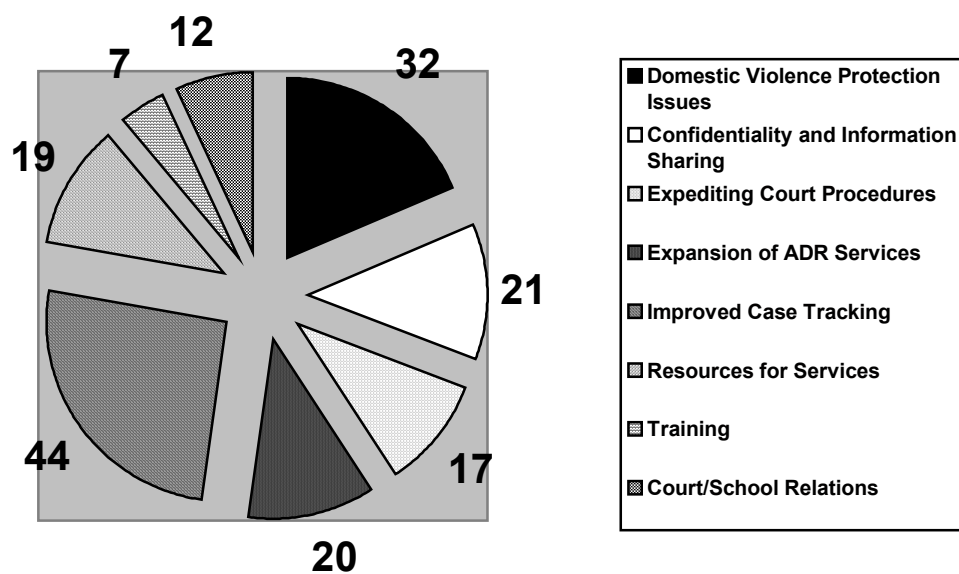


Chart No. I-18 Focus Group Priorities

The above priorities were the most frequently identified needs for Indiana's family justice system by participants in the three focus group sessions. These priorities represent 172 of the pool of 240 to 270 potential priority identifications or somewhere between 64 and



72% of identified priorities. Identified focus group issues that received two or less priority votes are not included in the pie chart calculation.<sup>7</sup>

The most frequently identified priority was improvement of the manner in which child and family cases are managed and tracked. This was frequently articulated as “Need for guidance on consolidation of cases”, “More early case management”, “Increased use of pre-trial conferencing”, “More uniformity of court procedures”, “Use of simple assessment tool”, “Need for on-line inquiry to link cases”, and “Team-based case management.”

Clarification of the procedures surrounding domestic violence protection issues was the next most frequently identified priority. Focus group participants articulated this as “Increase safety and protection for DV victims”, “Effectiveness of protective orders”, “Protective Order statutes over-broad”, “Service of process for protective orders”, “Monitoring of protective orders”, “Address custody and support issues with issuance of protective order”, and “Additional attorney and advocate resources for victims.”

Confidentiality and information sharing was the third most frequently identified priority. Focus group participants articulated this as “Legality of information sharing”, “Access to information”, “Confidentiality”, “Communication to other agencies”, and “Maintaining confidentiality.”

ADR services needs, another frequent priority, was articulated by focus group participants as “Mediation should be used in OFC cases”, “Mediation affordable and obtainable for Pro Se’s”, “Earlier access to mediation”, “Need for low cost mediation in domestic relations cases”, “ADR in family court”, and “Use of non-binding arbitration to help ripen the case.”

Focus group participants also identified resources for service provision as a need in the family justice system. Articulated among participants was “Need enabling services”, “Need appointed counsel, CASAs, GALs”, “Need triage/collaborative service provision”, “Need supervised visitation services”, “Need prevention services”, “Need more juvenile alternative programs”, and “Need CASAs for custody cases.”

Need for a different type of training was also prominently mentioned. Participants articulated a need for judge training in the area of family dynamics and how to determine “ripeness” in a family case. Need for attorney training in the areas of ADR, practice and procedure and time standards was identified. Training for clerks on how to better address Pro Se litigant issues was frequently mentioned. Several participants identified the need for law enforcement training on the dynamics and law of domestic violence.

Several focus group participants also mentioned the importance of building relationships between the court and the school system. Those priorities were articulated as “Networking between court and school record systems”, “Increase trust factors between

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<sup>7</sup> See Appendix 2 for a complete list of focus group priorities.

schools, OFC and the courts”, “School and courts should have formalized authority to work together”, and “Develop alternatives to expulsion with the courts.”

### *Focus Group Conclusions*

The top seven priorities identified in the three focus group sessions represent 72% of all priorities identified by between 80 and 90 focus group participants. The remaining 28% of identified priorities should be reviewed in Appendix 2.

That the most frequently identified priority is articulated as improvement in case management and the manner in which cases are tracked and coordinated is significant for the family court pilot project effort. Development and implementation of policies, practices and procedures relative to coordination of multiple cases involving the same family and more efficient management of those cases is a fundamental standard for family courts.<sup>8</sup> Therefore, potential expansion of the pilot family court project may be considered as a potential means to improve the manner in which courts manage their family law caseloads.

The law and procedures that provide for issuance of domestic violence protective orders apparently require renewed scrutiny. Multi-disciplinary participation in policy, practice and procedure development, together with development and conducting of domestic violence training programs is suggested. Development and implementation of new laws and procedures is frequently underwritten by Violence Against Women Act (VAWA) funds that are received from the federal government in other states. Indiana is encouraged to pursue these funds for the purpose articulated.

Confidentiality laws, rules and policies and limitations on information sharing may require special efforts from an Ad Hoc group of multi-disciplinary professionals. This group might conduct an inquiry into the state of the law and practice relative to these issues and report to the three branches of Indiana State government on recommended changes and/or improvements.

Increased ADR services is another priority need articulated by focus group participants. Expansion of these services requires continuing discussions between the judiciary and the practicing bar. Extension of ADR services to Pro Se litigants that cannot afford to pay fees for such services is a challenge that requires creative thought and additional resources. Policy-makers are encouraged to consider a mediation certification process that requires provision of Pro Bono mediation services for continuing certification. A volunteer mediation program might be considered on a pilot basis in appropriate jurisdictions. The use of a “special referee” in Putnam County to negotiate or arbitrate family related cases is an innovative form of ADR that potentially increases access to services, conserves judicial resources and increases docket control. Consideration should be given to replicating this program in other jurisdictions.

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<sup>8</sup> *Ibid*, Kuhn at footnote no.2, pgs. 68-75.

Increasing social services for families in court requires formalized collaborative efforts in which resources can be pooled instead of duplicated. Programs such as A.C.T. Services in Johnson County and the “Wraparound Community Team” in Monroe County may have potential for duplication in other jurisdictions. Consideration might also be given to development and implementation of volunteer services programs to increase supervised visitation resources. While there appears to be a legitimate need for expansion of the role of the Court-Appointed Special Advocate (CASA) into contested child custody matters, care should be exercised in order to avoid potential conflict with the articulated policies of the National CASA Association.<sup>9</sup>

Training and education should be incorporated into the culture of juvenile and family law practice to the extent that it is an expected and regular event. Moreover, training and continuing education should not be confined to members of the bench and the bar. That focus group participants identified training needs for Clerks of Court and law enforcement personnel speaks to this logic.

Building of relationships between the courts and the school system is an important, albeit frequently overlooked aspect to effective handling of child and family matters. That focus group participants identified this issue as a system priority reinforces this apparent need. Consideration might be given to establishing an Ad Hoc group composed of courts and school personnel for the purpose of examining issues and potentially developing protocols or cooperative agreements relative to the manner in which each entity might share information and work cooperatively.

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<sup>9</sup> At the time of this report, the National CASA Association did not endorse the use of a CASA in a contested child custody matter.

### ***III. Family Court Pilot Project Report***

#### **Overview**

This section of the report is intended to review the progress of the Family Court Pilot Projects. Its readership is intended to be the Indiana Supreme Court, the Indiana Division of State Court Administration, pilot project administrators, managers, task forces or advisory bodies, the judges and court staff who have worked on and within the pilot projects and other interested parties. Documentation of efforts within each pilot site will be discussed, as will progress toward reaching desired outcomes. Any barriers or obstacles encountered will also be identified and discussed. This report will also identify new innovations or potential best practices that might be replicated in other courts, as well as offer recommendations that are intended to assist the pilot projects in assuring continued success and considering or implementing improvements, as needed.

#### **Pilot Court Mission Statements and Project Objectives**

A Mission Statement is a statement that describes the nature and scope of the work to be performed, in effect, the organization's reason for existence. The mission statement should include the broad identification of the type of operation for which it is responsible, its major areas of service, customers or user groups, organizational approach, plus the philosophical basis for its operation.<sup>10</sup> Family Courts have promulgated mission statements in the past to ensure that the critical work of the court is performed by assigning and clarifying the responsibility for it and to ensure that the court is not doing inappropriate work that reduces its effectiveness or wastes valuable resources.

Each of the family court pilot sites has developed a mission statement or a statement of philosophy. As the reader reviews the outcome data presented in this section of the report, each mission statement should be periodically reviewed as a reminder of the intended scope of each project. Pilot site mission statements appear below.

#### ***Johnson County Mission Statement***

*"The purpose of the Juvenile and Family Court is to effectuate maximum utilization of services to Johnson County families who are involved in particularly complex litigation or multiple, simultaneously pending litigation through coordination of pre-trial proceedings and services referrals."*

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<sup>10</sup> George L. Morrissey, *Management by Objectives and Results for Business*, 2d ed. (Menlo Park, CA: Addison-Wesley, 1983), p. 25.

### ***Monroe County Statement of Philosophy***

*“The Monroe County Family Court provides a forum for fair and prompt resolution of legal problems affecting families and children. The Family Court strives to transcend the traditional adjudicatory function and adversarial process and to look beyond the immediate crisis, fashioning remedies and orders designed to minimize future court involvement. The ultimate goal of the Court is the resolution of cases within a framework of due process, protection, and rational, efficient conflict resolution. This goal is one that benefits both families and the community as a whole.*

*To accomplish its mission, the Family Court follows the “one judge-one family” model whenever possible, providing a more efficient system for both the family and the Court by reducing the number of hearings on related matters as well as the risk of inconsistent resolutions. Parties are encouraged or ordered to participate in counseling, self-help, mediation, and other government and community services as appropriate.”*

### ***Porter County Mission Statement***

*“The Porter County Family Court will provide case management services and coordinate delivery of human services for families and household members who have cases throughout the judicial system. This approach will bridge the current gap between the fields of adult and juvenile justice. Service providers in the fields of family law, child welfare, education and mental health will be utilized. This comprehensive approach will gather and collect information on families appearing in front of the court under pertinent family law and juvenile cases. This “full service court” process will be coordinated in order to promote judicial consistency and to best serve the needs of Porter County’s families and children.”*

Project objectives are distinguished from the mission statement by the characteristics of outcome and timing. Objectives for the family court projects should specify more tangible outcomes and are time-limited. Whereas the mission statement indicates the reason for the court’s ongoing existence, objectives describe the results it intends to achieve within a specified timeframe. If the objectives are achieved, the mission statement is fulfilled. The objectives for each of the pilot family court projects are detailed below.

### ***Johnson County Project Objectives***

- 1. Judicial economy where the same family is involved in multiple cases.*
- 2. Coordinated service provision, to multiple case families, which treats the family in a comprehensive, holistic manner.*
- 3. Reduction of time spent by family members in court.*
- 4. Child advocacy.*
- 5. Emphasis on mutually acceptable, rather than adversarial, dispositions.*

### ***Monroe County Project Objectives***

- 1. Simplify scheduling for the court and for the family.*
- 2. Reduce multiple hearings and appearances.*
- 3. Improve on judicial economy and time spent by families in hearings.*
- 4. Facilitate comprehensive and informed evaluation of needs within the family unit.*
- 5. Promote consistency in determining appropriate dispositional orders.*
- 6. Provide a mechanism to ensure compliance with various orders pertaining to the family.*

### ***Porter County Project Objectives***

- 1. Provide judicial consistency to families with multiple court involvement.*
- 2. Ensure non-duplication of services to families with multiple court involvement.*
- 3. Provide a forum for information exchange within our court system taking in regards (sp) to what is in the best interest of Porter County's families with multiple court involvement.*
- 4. Provide a systematic case management system that will expedite pertinent hearings of families with multiple court involvement in Porter County.*
- 5. Simplify contested issues of families with multiple court involvement through the use of coordination and mediation.*

As with the Mission Statements for each pilot project, readers are urged to periodically refer to the Objectives for each pilot project as they review the outcome data contained herein.

### **Pilot Projects Overview**

#### ***Johnson County***

The Johnson County pilot project developed a Family Court Handbook that: (1) Describes the duties of the family court case manager; (2) Identifies the major procedures of the family court project; (3) Provides copies of sample forms used by the pilot family court; (4) Contains a stakeholder evaluation form for the pilot family court; and (5) Includes a tri-fold brochure in which the family court pilot project is summarily described.

Two project objectives identified by the Johnson County family court pilot project directly address expedited court process, to wit: expedited disposition and reduction of time spent by family members in court. Judge Loyd specifically articulated the goal of "Speedy Justice" for the pilot project. The pilot effort committed to identifying and transferring other family related matters to the family court as quickly as possible. Once multiple proceeding families are identified, status hearings are quickly scheduled in order to determine the family's most immediate needs. The pilot project has specific calendar time commitments for these cases.

Reaction to the pilot effort by the practicing bar is positive in that they believe the approach to be much quicker and more efficient. Although anecdotal, they believe this approach to result in less redundancy and that it encourages settlement among parties due to the commitment of the project to moving the cases quickly.

Johnson County tracked their family court caseload data via basic Microsoft Excel spreadsheet format. The Case Manager utilized a family court case information face sheet and a case log recommended by CFCC to track significant case events and corresponding time increments. Data entry was in manual, long hand form.

A significant feature of the Johnson County family court pilot effort includes implementation of the “one judge-one family” concept of family case management. This concept of case management directly addresses coordination and consistency to enable outcomes related to: (1) Avoiding conflicting and redundant orders; (2) Coordination of service delivery and communication to avoid duplication and gaps in service delivery; and (3) Case monitoring for compliance with court orders.

The Family Court Case Manager assures that families have their court matters heard by either Judge Loyd or Magistrate Judge Lawson. The Court Manager performs the following functions:

- Identifies eligible families;
- Processes paperwork to enable transfer of cases to family court;
- Prepares and maintains a calendar of cases;
- Maintains court files, drafts minutes, notices and court orders;
- Records court activity in the chronological case summary log;
- Performs monitoring function of court orders and service referrals; and
- Performs other relevant duties.

While the Case Manager reviews computerized court records to help identify eligible families for transfer into the family court pilot project, most families come to the project through referral from other judicial officers, attorneys, court clerks, prosecutors, probation department, CASA volunteers or family members, themselves (See Chart II-3, *infra* at page 33).

Once the family court based on notice of transfer assumes jurisdiction over the family, the case manager schedules all matters before the same judicial officer. The case manager completes a family information form for each family. This document serves as an elementary early case assessment tool. In turn, this case assessment tool assists the court in managing the case relative to scheduling of significant case events and appropriate service referral.

### ***Monroe County***

Monroe County undertook their project in two ways. As one part of their pilot effort, Judge Kellams assumed jurisdiction over what are considered “complex” dissolution matters in order to provide these cases the additional monitoring and supervision they apparently require. These cases have been identified based on several general criteria that include: (1) One or both parties are pro se litigants; (2) There is historically low compliance with court orders or negotiated agreements; (3) The cases have either not been successful at or are not appropriate for alternative dispute resolution services.

The pilot project has developed a Family Identification Form intended for use by Judges, other court personnel, attorneys, agencies and the parties to identify complex litigation matters in the future. On receipt of this form, the Family Court Coordinator conducts a review for pending cases, completes a Family Profile and Acceptance Form and submits to the court for review and acceptance. This process has considerable impact on the ability of the court to move these “complex” matters through the system more quickly.

The second portion of the Monroe County family court pilot effort involves Judge Taliaferro and adoption of the “One judge-One family” approach to case management of family matters in the courts. Judge Taliaferro believes that involving the entire family concurrently in the court process encourages settlement, reduces redundancy and decreases chances for issuance of conflicting orders.

Monroe County has begun development and implementation of the “one judge to one family” case management approach through Judge Taliaferro which is entirely consistent with the established project values and outcomes as detailed within the Johnson County discussion, *supra*. Judge Taliaferro attempts to schedule significant case events for different family members or different family matters concurrently based on her contention that families do not make distinctions between cases when they are involved in the courts.

Cases come to Judge Taliaferro based on case identification conducted by the Youth Services Coordinator with plans to expand referral via other Judges, court staff, attorneys, outside agencies and the parties, themselves. A family identification form is completed and submitted to the family case coordinator. The case coordinator submits the form to Judge Taliaferro for review and acceptance. Active case management occurs via the case coordinator and includes appropriate service referral and scheduling of significant case events that may include pre-trial or settlement conferences. The case coordinator also monitors court orders and referrals for compliance.

### ***Porter County***

The Porter County Family Court Pilot Project also developed a Family Court Project Manual. This document details: (1) Mission of the pilot project; (2) Local rules of family



court procedure; (3) Judges and court staff to be involved in the project; (4) Family Court project procedures including mediation procedures: and (5) prescribed forms.

Aside from articulated project objectives, the project identified three major goals for itself, all of which address expedited court process in some form. They are: (1) Development and implementation of a case management process that aids in information sharing between the courts; (2) Filing of appropriate holistic reports on relevant matters to all involved courts; and (3) Implementation of mediation services programs for all litigants without regard for litigant economic circumstances. Improving the manner in which information is and can be shared respecting families in the Porter County Courts is a major point of emphasis in this project. On receipt of a matter from the court clerk that qualifies for family court assignment pursuant to local rule, the family court case manager is required to create a case management report that notes all relevant events and orders within the family. These case management reports and time increments are shared with all relevant courts and pertinent partners. A monthly family court roster is kept for the entire court which details scheduled appearances for family court litigants.

Active monitoring of family court cases may be pursued through a Services Coordination and Status Meeting. This is a multi-disciplinary meeting, the purpose of which is to monitor compliance with court orders and suggest alternatives for families who have difficulty with compliance. This approach provides for active, hands-on case management, increased use of alternative dispute resolution services and for litigant accountability, each of which lend themselves to expedited outcomes for families in court.

The pilot project is using an appearance form to be filed by parties or their attorneys for each new family court filing that provides the court coordinator with family history information that expedites event scheduling and service referral and linkage.

Porter County also developed and implemented a one case manager-one family case management system that emphasizes a family court case tracking component. The Family Court Coordinator leads this effort with assistance provided by two part-time Family Court Services Managers (one a local family law attorney, the other a former OFC case manager) in addition to a Special Services Probation Officer on loan by the local juvenile probation department. Each of these positions, depending on assignment to individual families, participates in service coordination and regular case status meetings.

In order for cases to be considered for family court case management, there must be children involved and the subject family must have multiple cases pending within the Porter County courts. Referrals originate from a variety of sources, including the Clerk's office, Office of Families and Children (OFC), Probation, Prosecutor, Law Enforcement, CASA or the Court, itself. An attorney appearance form noting that the family has multiple litigation pending may also trigger the process. On receipt of a referral or appearance form, the family court coordinator performs a JALEN (adult court database) and TRACKER (juvenile court database) records inquiry and a family court case manager is assigned to the case if the criteria are satisfied.

On case initiation, Supervising Judge Mary Harper issues an order to include the family in the family court and an initial case management report is prepared and issued to the judges who are assigned the matters involving the family. Case managers undertake continual monitoring on the progress of the case. Case management reports are prepared and distributed to all judges, family members and others who are important to the case. Case coordination and status meetings are scheduled on request of the court or the parties. Cases are closed based on two objective criteria: (1) Family no longer has multiple court involvement; and (2) Conflicts within the family or household have significantly decreased. The cornerstone of this approach is coordination through increased information sharing.

Porter County collected family court pilot project data via an automated Family Court Master Database (Microsoft Excel based) that provides “at a glance” data on the status of active family court cases. The Court Coordinator also developed an automated mediation, coordination and judicial ADR database that assists in tracking mediation progress. For matters related to consistency of data collection, Porter County also utilized the Family Court Case Log form as provided by CFCC. This requires manual, long hand data entry.

### **Data Outcomes**

Essential to determining success of a family court pilot project is the process of collecting and analyzing relevant data. In deciding on data to be collected by the pilot projects, CFCC considered standards relative to validity, reliability, accessibility and absence of bias. Also considered were the objectives of each of the pilot projects as articulated above. CFCC therefore requested that each pilot project record data that reflects the following:

- Number of families served and cases received.
- Case types addressed.
- Case referral resources.
- Social factors in referred families.
- Use of specific Supreme Court rules.
- Meaningful case event intervals and time to disposition.
- Number of attorneys of record in family court pilot project cases.

CFCC also requested data on referral to, use of and outcomes for ADR and mediation services. Because this data was not uniformly available from each project site, this information is provided in narrative form.

#### ***Families served and Cases received***

This data was requested because it may tend to verify that many families who come to court have more than one case pending within the court system.

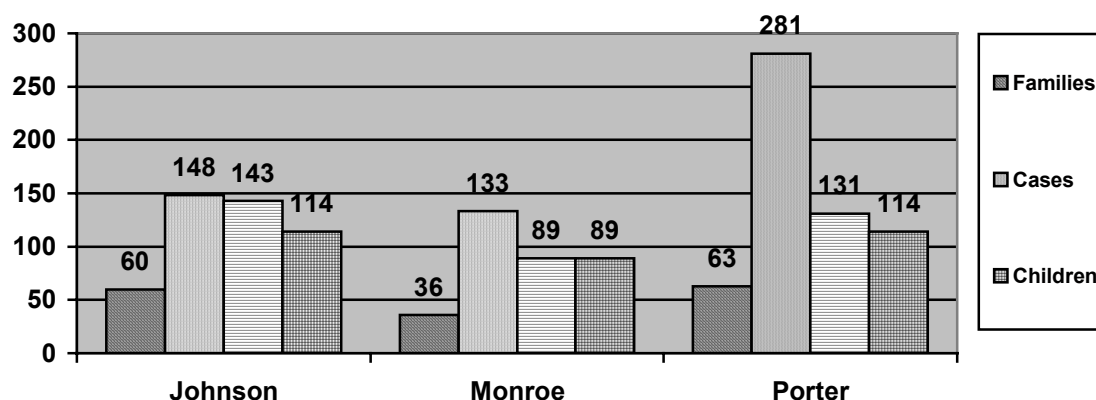


Chart No. II-1  
Family and Case Volume for 3 Family Court  
Pilot Projects

Chart II-1 represents family and case volume and adult and child count for the 3 family court pilot projects as of May 2001. The Johnson County project involved 148 cases distributed through 60 families. On average, each family that appeared in this pilot family court had 2.5 cases pending in the system. The Monroe county project involved 133 cases distributed through 36 families. In Monroe County, each family that appeared in this pilot family court had 3.7 cases pending in the system. The Porter County project involved 281 cases distributed through 63 families. On average, each family that appeared in this pilot family court had 4.5 cases pending in the system. In total, the Indiana Family Court Pilot Project, as of May 2001 has addressed 560 cases distributed through 159 families. On average, each of these families has had 3.5 cases pending in the system.

The discrepancy in numbers between pilot projects is attributable to factors that include demographic differences and incorporation of a substantial number of criminal misdemeanor and felony matters (122) into the Porter County pilot project. Inclusion of criminal cases for the purpose of tracking court matters related to the entire dynamic family was suggested within the project parameters developed by the Family Court Task Force. In general, unified family court jurisdiction excludes jurisdiction over felony criminal matters with few exceptions such as family courts in Hawaii and Rhode Island.<sup>11</sup>

### ***Case Types Addressed***

<sup>11</sup> Barbara A. Babb, *Where We Stand: An Analysis of America's Family Law Adjudicatory Systems and the Mandate to Establish Unified Family Courts*, FAMILY LAW QUARTERLY, Vol. 32, No. 1, American Bar Association, Family Law Section (Spring 1998) pgs. 51-55.

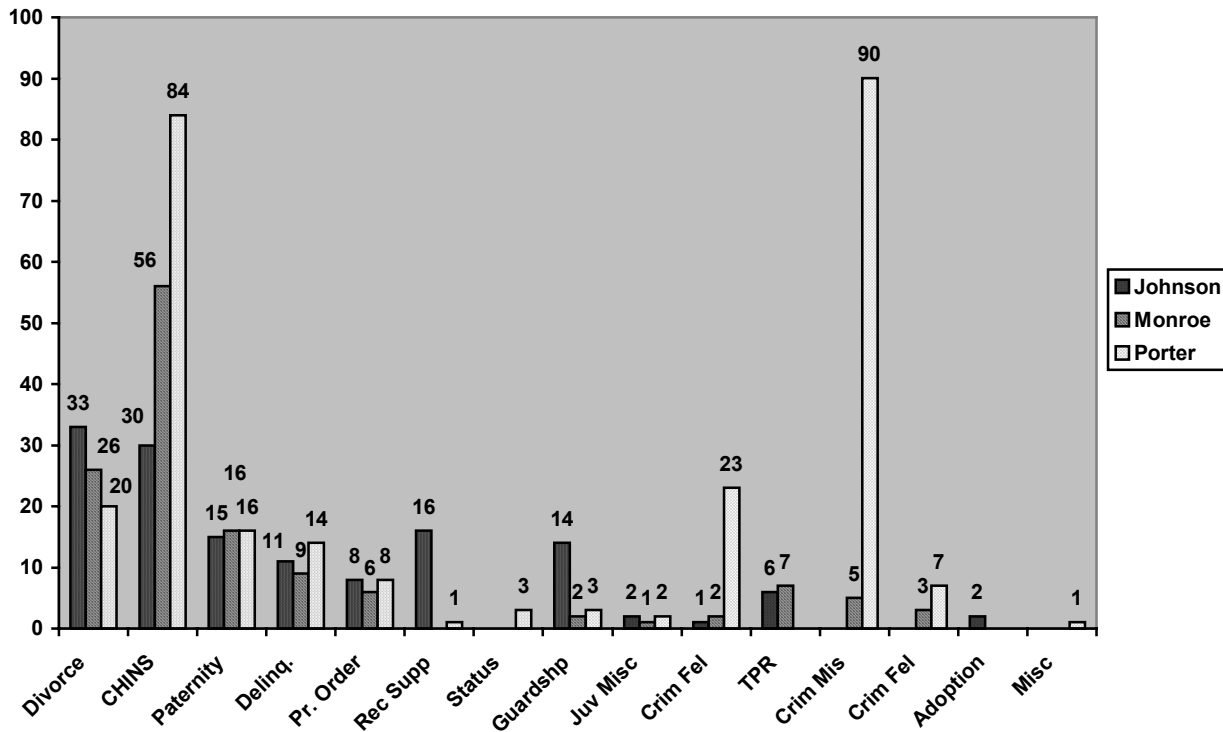


Chart No. II-2  
Number of Cases by Type  
For each Pilot Project

The graphic above illustrates the types of cases addressed by each of the pilot family court projects. Worth noting within the graphic representation is the consistency of case numbers between the projects within the Divorce, CHINS, Paternity, Juvenile Delinquency and Protective Order case types. This consistency is significant due to these case types being the most common subject matter jurisdiction that is included within unified family courts in the United States.<sup>12</sup> Also noteworthy is that Porter County handled a comparatively significant number of criminal misdemeanor matters during their data-gathering period. While unusual, this is significant due to enhancing the ability of the court to handle a broader base of multiple case families on a concurrent or consecutive basis. Therefore, this practice helps Porter County meet its objective of ensuring non-duplication of services to multiple case families.

### ***Case Referral Resources***

CFCC requested data relative to the source from which families and cases were received. This data tends to indicate recognition of the value of family court in the community, as well as important support from the bench, the practicing bar and the clerk of court. Chart II-3 below indicates the sources of referral for family court cases by county.

<sup>12</sup> *Ibid.*

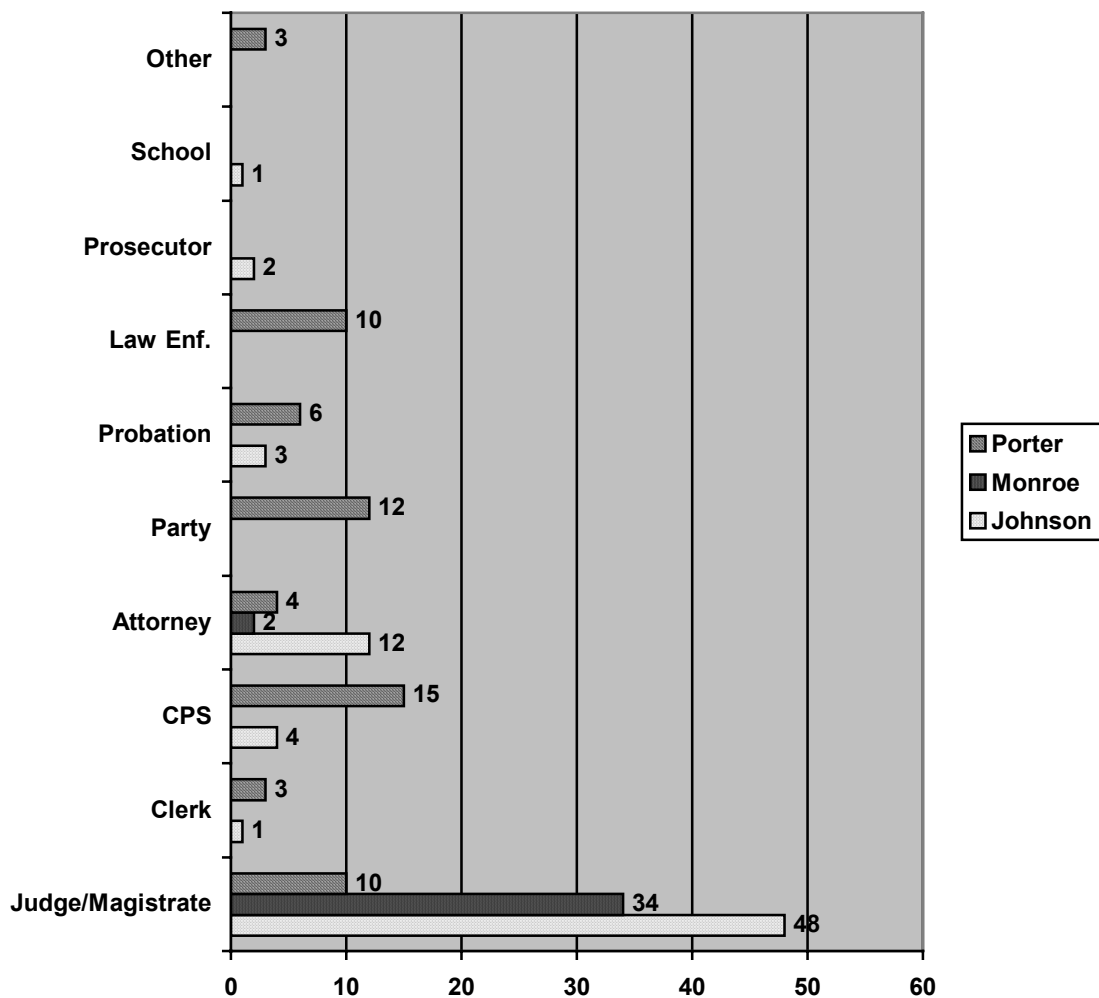


Chart No. II-3  
Source of Case Referral

As can be seen, the majority of case referrals to the family court projects came from judges or magistrates. This is a typical characteristic of any new family court pilot due to this resource being the most informed about the project. Some other referral resources bear mention. In Porter County, the self-referral rate by the parties may be encouraging, assuming that parties have the option to pursue their court matters in the family court after the project has been explained to them. Note that while Johnson County addressed cases that involved 60 families, there are 71 referral sources. This anomaly may be due in several instances to duplication of a referral between a judge and other agency.

If the pilot family courts are to continue their operations, referrals from the office of the clerk should be expected to increase as family court related cases are filed. This assumes that family case information or history statements will continue to be used by parties and

their attorneys when filing initial appearance documents. These statements will enable the clerk's office to make family member linkages much earlier in the family's involvement with the courts. Increased availability and use of automated information management systems for family court case filing and management will also cause some increase in referrals from the clerk's office.

### ***Identified Social Factors***

A significant part of the Indiana family court pilot project has focused on identification of family service needs early in the process of a family's involvement with the courts so that appropriate service linkages can be made on an expedited basis. A portion of the pilot project tasks associated with this effort has involved determining the existence of "social factors" within these families by way of the family case information or history statement that is completed by attorneys, parties or project staff during the case intake process. The chart that follows details the "social factors" identified within the families served in the 3 pilot family courts.

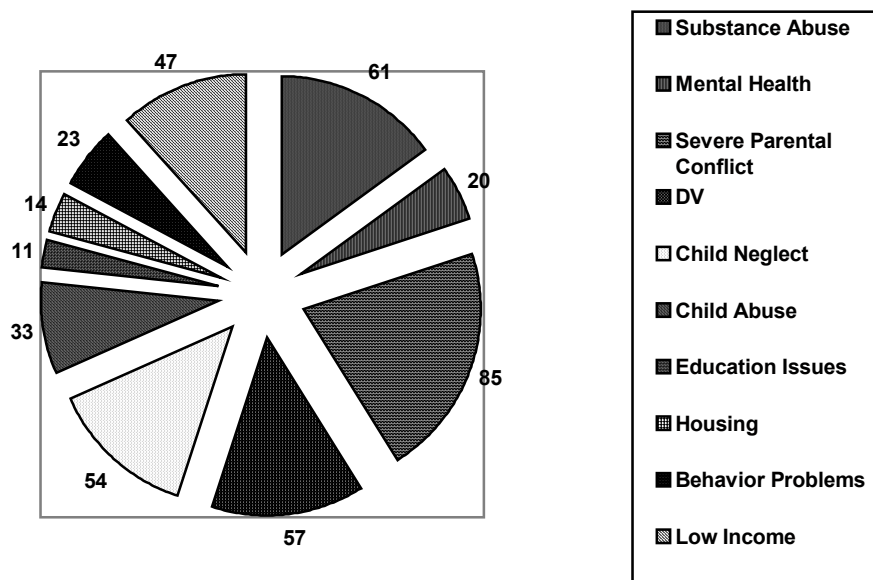


Chart No. II-4  
Social Factors Identified within  
Pilot Family Court Families  
(405=pie)

Severe parental conflict was identified in 85 families as a "social factor" and represents 21% of all "social factors" identified. Substance abuse was identified in 61 families and represents 15 % of all "social factors" identified. The least prevalent "social factor" was identified as educational issues in 11 families, representing only 3% of all "social factors." Stated another way, 85 or 53% of the 159 families in the 3 pilot projects were

experiencing severe parental conflict and 61 or 38% of the families admitted to some substance abuse issue. Other research indicates that nearly 90% of families in court have some substance abuse-related issue.<sup>13</sup> Therefore, it is important to stress the 38% rate in this category as voluntary information provided by the parties.

Also noteworthy is the indication of domestic violence within the pilot project families, occurring in 57 of 159 families. While it cannot be completely determined from available data, social factors of child abuse and neglect were concurrently identified in very few families in which domestic violence was identified as a factor.<sup>14</sup> A higher correlation between severe parental conflict and domestic violence as concurrent social factors is indicated by the data available. This may suggest the need for careful screening of families who are referred to and/or participate in alternative dispute resolution efforts in order to ensure safety and security and fair and equitable resolution of conflict.

### *Use of Supreme Court Rules*

In authorizing Indiana's Family Court Pilot Project, the Supreme Court promulgated four general rules of practice that were intended to provide to the pilot sites the authority necessary to assert jurisdiction, adjudicate and dispose of family-related cases in the pilot family court. Those Supreme Court Rules are more completely discussed *supra*, at pages 4-5. The chart below details the use of the Supreme Court Rules by each of the pilot sites.

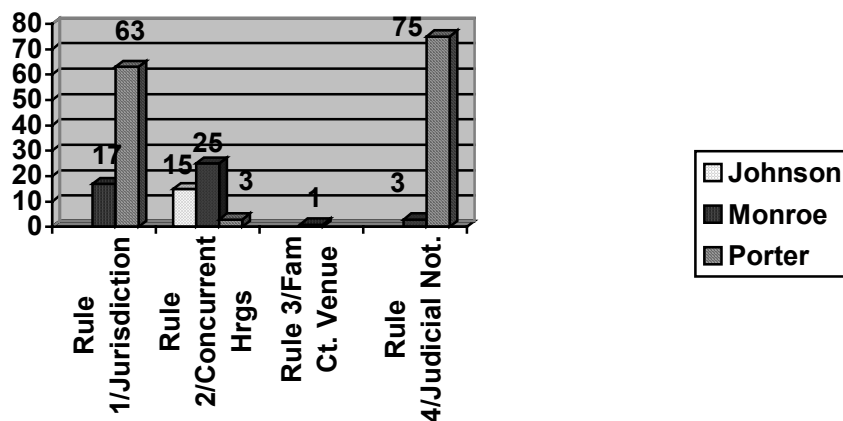


Chart No. II-5  
Use of Supreme Court Rules

This chart indicates varied use of Supreme Court Rules between the pilot counties. Porter County invoked the "Judicial Notice" rule in 100% of its cases due to case

<sup>13</sup> PREVENTING SUBSTANCE ABUSE AMONG CHILDREN AND ADOLESCENTS: FAMILY-CENTERED APPROACHES, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, U.S. Department of Health and Human Services (1998). Pg. I-4.

<sup>14</sup> 1 of the 3 pilot projects captured data on rates of identified social factors but did not correlate them to individual families or cases.

assignment and reporting requirements built into their project. Conversely, Monroe County invoked this Rule in only 3 instances and Johnson County did not use the Rule. Porter also made regular use of the “Jurisdiction” rule, excluding its use only when cases were included in the pilot court in order to provide mediation services in divorce matters.

The “Family Court Venue” rule was invoked only once. It appears this rule was not considered necessary to permit the venue change. Perhaps, as seems to be indicated by Porter and Monroe County, Rule 1 permitting exercise of jurisdiction over designated case types may have been considered sufficient to enable transfer of the case to the pilot family court.

Inconsistency in use of Supreme Court Rules among the 3 pilot sites indicates need for clarification or further discussion concerning their intended application.

### ***Meaningful Case Event Intervals and Time to Disposition***

Expedited court process was among those objectives identified by the family court pilot projects as they planned for their development and implementation. Many family courts and court organizations as fundamental to family court values and outcomes consider expedition and timeliness.<sup>15</sup> One method for determining success relative to expedited court process is to identify the time family related cases take from filing to disposition or “time to disposition.” When reviewing time to disposition data it is important this measure not be considered dispositive of family court performance relative to expedited court process. Other measures, such as intake screening, service referral, and availability of services and ADR outcomes are important to consider, as well.

Time to disposition data was difficult to measure on any comparative level between the three pilot sites for this project because Monroe County was not able to implement their pilot family court until much later than either Johnson or Porter Counties (November 2000). Moreover, Monroe County chose as one major component of its project, to assume jurisdiction over high conflict or very complex domestic relations matters that had been languishing in the court system.

Therefore, to review pilot project data relative to time to and between meaningful case events rather than time to disposition may have more significance.<sup>16</sup> Examples of meaningful case events may include, but are not necessarily limited to: (1) new intake interviews at which service referrals for family members were made; (2) modifications of custody, visitation and child support; (3) substance abuse evaluations; (4) courtroom hearings or adjudication; and (5) case management reports.

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<sup>15</sup> See generally: TRIAL COURT PERFORMANCE STANDARDS AND MEASURES, Commission on Trial Courts Performance, Bureau of Justice Assistance, US Department of Justice. (1997) and FAMILY COURT STANDARDS PROJECT, THE FAMILY COURT OF THE STATE OF DELAWARE, FAMILY COURT PERFORMANCE STANDARDS AND MEASURES 6 (1999)

<sup>16</sup> For the purpose of this evaluation effort, a meaningful case event is considered a judge or court staff facilitated activity that changes the status of the case or the position of the parties, e.g., hearing on change in custody or visitation, intake interview, service referral, or appointment of attorney or expert.



Of the multiple case (non-complex divorce) families referred into Monroe County's family court project, two families or 4 cases proceeded to disposition. Individual case logs indicate that 67 meaningful events within 26 families occurred over the six project months subject to evaluation. Examples of some meaningful events include: (1) Review hearing on child placement; (2) Hearing ordering support and visitation; (3) Wraparound (Local social services consortium) meeting; (4) Pre-trial conference; (5) Fact finding; or (6) Parental participation hearing. The following chart details average and median times to first meaningful case event after assignment to family court and average and median times between meaningful events for the Monroe County pilot family court:

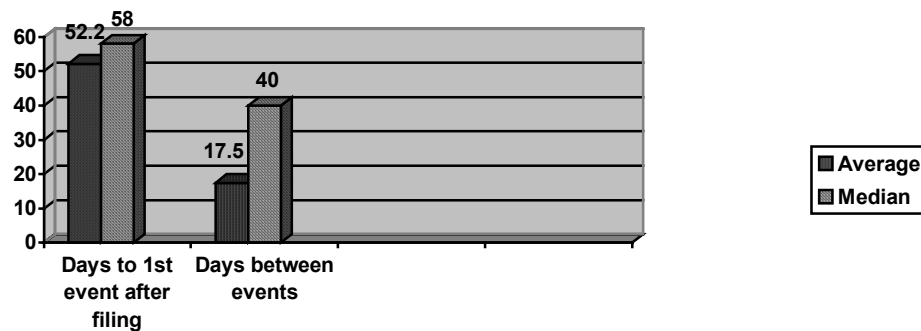


Chart No. II-6  
Times to and Between Meaningful Case Events  
For Monroe County Project

The average length of time from the date of assignment to family court to the first meaningful case event was found to be 52.2 days. The shortest time to the first meaningful event was found to be 1 day, the longest was 115 days. Median time<sup>17</sup> is therefore 58 days. The average number of days between meaningful events was found to be 17.5 days. The short time between events was found to be 0 days (concurrent or simultaneous hearings), the longest was 80 days. Median time is therefore 40 days.

In considering this data, it should be noted that 15 of the 28 multiple case families were assigned to the family court project all on the same date, November 21, 2000. Moreover, one part-time family court case manager was assigned responsibility for case management of ALL cases. Therefore, while 52 days may seem a considerable time lapse before occurrence of any meaningful case event, limited case management resources are likely the most significant reason for this average.

Also noteworthy is the practice of conducting concurrent hearings to aid in facilitation of more than one meaningful event at one time, particularly when the event(s) may be scheduled before the family court judge. This practice bears closer examination as a potentially effective and innovative method to expedite case management and processing in the family court.

<sup>17</sup> Median time represents the sum of the shortest and longest times divided by 2.

Johnson and Porter Counties provided data detailing elapsed time to first meaningful event and time between meaningful events, as well. The two charts that follow reflect that information as it was received.

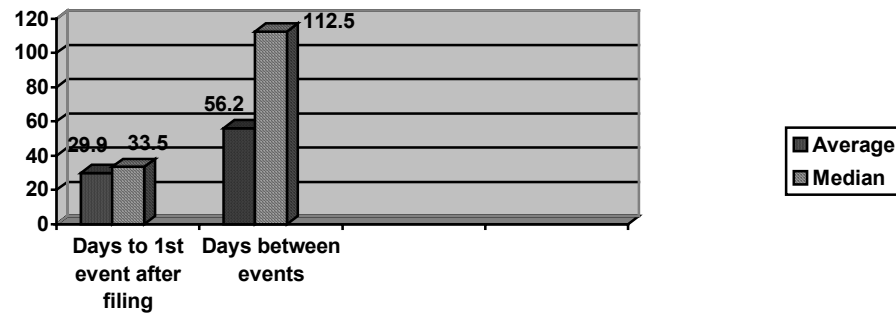


Chart No. II-7  
Times to and between meaningful case events for  
Johnson County Project

As in Monroe County, the shortest time lapse from assignment of the case to the first meaningful case event in Johnson County was one day. The longest time lapse was 66 days. Median was therefore 33.5 days. Noteworthy may be the fact that Johnson County was able to conduct the first meaningful case event within 30 days after assignment to the family court project, despite having a limited contingent of project judge and staff resources. Note also that continuances were not considered meaningful case events for the purpose of this calculation.

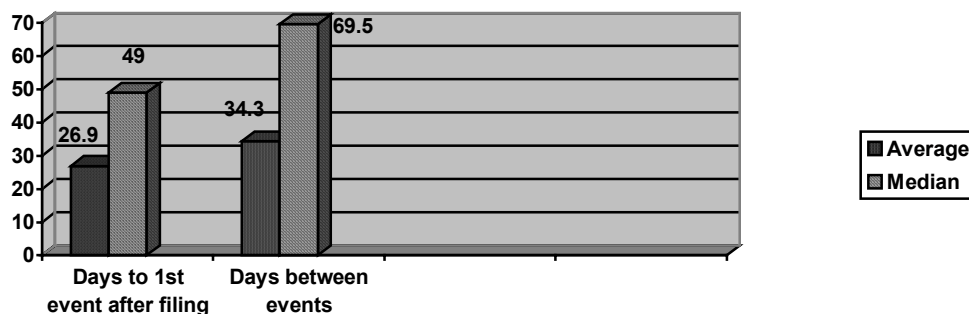


Chart No. II-8  
Times to and between meaningful case events for  
Porter County Project

The above chart indicates that Porter County conducted the first meaningful case event in less than 27 days after the matter was assigned to the family court project and that, on average, meaningful events occurred in Porter County cases in just under 35 day increments. These data are consistent with development and implementation of a family court case management system in which active case monitoring by court staff regularly occurs.

Because the Johnson and Porter County family court pilot projects began operations much earlier than the Monroe pilot project, they were able to bring many more cases to disposition. Therefore, the charts below detail the average and median times to disposition for each of these projects.

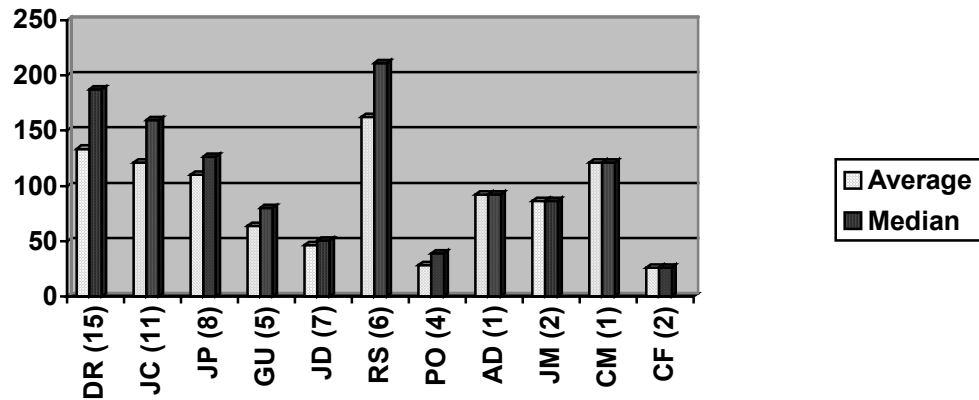


Chart No. II-9  
Average and Median Times to Disposition for Cases in  
Johnson County Pilot Project (Value = Days)

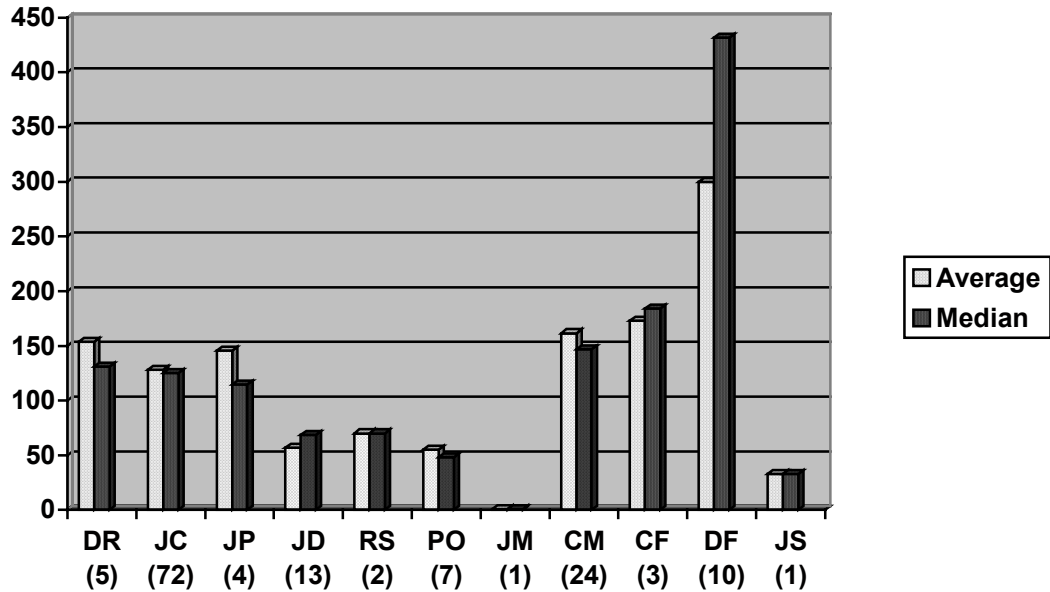


Chart No. II-10  
Average and Median Times to Disposition for Cases in  
Porter County Pilot Project (Value = Days)

When reviewed together, Chart Nos. II-9 and II-10 are generally consistent in time to disposition on domestic relations (DR), CHINS (JC), Delinquency (JD) and Protective Orders (PO). This is encouraging because they are the most common family court case types. Moreover, this indicates some standardized and uniform practices exist that lay groundwork for future comparative studies and “best practices” analyses. Time to disposition for paternity (JP) matters indicate the most significant variance between Johnson and Porter Counties. This may be due to differences in availability of ADR resources between the two.

The rate at which continuances in family law matters are granted also affects expeditious court process. Case logs kept in Monroe County do not indicate continuances granted. However, Johnson and Porter Counties tracked continuances via family court case logs. When compared to the number of families, cases and significant events that occurred in each of these jurisdictions during the pilot project period, the rate of continuances appears low. In Johnson County, 28 continuances were granted in 138 cases. 36% of those continuances were granted in domestic relations cases. In Porter County, 116 continuances were granted in 281 cases. 70% of those continuances were granted in criminal misdemeanor matters, apparently in connection with scheduling of Mandatory Disposition Conferences (MDC). Of continuances that were documented in both counties, it appears only 4 were granted in CHINS matters. It should be noted that the majority of continuances granted in both Johnson and Porter Counties appear to be related to promoting early or out of court settlement.

### *Number of Attorneys of Record*

One emphasis among the three family court pilot projects has been to facilitate or provide legal assistance to family court parties as frequently as local resources allow. The Johnson County project, in particular, has used a portion of its project funding to provide legal representation for parties in family court. The graphic that follows provides a glimpse at the level of legal representation in the three pilot sites based on number of

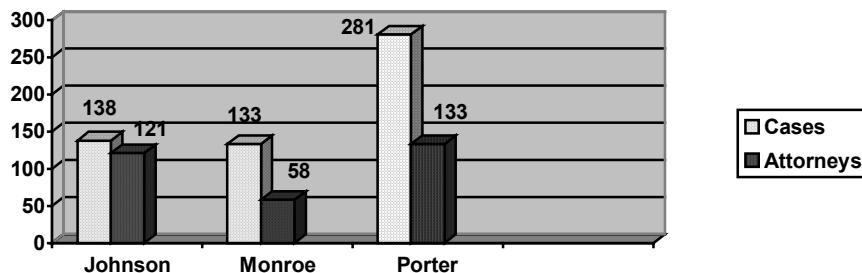


Chart No. II-11  
Rate of Attorney Representation against  
Number of Family Court Cases

cases reported. The chart above indicates the rate of legal representation per case to be 88% for the Johnson County project. Both Monroe and Porter Counties report their rate to be 47%. That parties were represented in less than half of family court cases in Monroe and Porter counties may indicate a need to focus on Pro Se assistance services as a portion of effective family law case management practices.

### ***Use of Alternative Dispute Resolution***

Use of less adversarial means to resolve family disputes is generally accepted in the family law community as a desirable alternative to traditional, adversarial dispute resolution in which family members “fight it out” in the courtroom. Chief Justice Shepard has advocated for increased use of mediation in Indiana’s court system.<sup>18</sup> To this end, the three pilot family courts were expected to emphasize less adversarial dispute resolution as an important component of project efforts. Each project did use ADR services but data collected on ADR referrals, services delivered and outcomes varied significantly between the projects and was not sufficiently reliable for purpose of comparative analysis. This variance is due to disparities in ADR resources between the projects and the nature of the project caseload in each site. This notwithstanding, each project did utilize or attempt to utilize ADR to some degree.

The Johnson County pilot project, as one of eight means of achieving expected project objectives, advocates for use of alternative dispute resolution that includes mediation, informal conferencing, settlement conferences or other means not identified when requested by the parties, recommended by service providers or indicated by contested issues. The project works cooperatively with the practicing bar to develop additional ADR resources.

Practicing attorneys have suggested the potential for using ADR in contested paternity proceedings. They also suggest that the presence of more information concerning the cases earlier in the process helps to encourage settlement among the parties without provision of formal mediation services.

The Monroe County project made a commitment to increasing ADR services by identifying high conflict or complex domestic relations matters for inclusion in the family court pilot. Following the intake process, which requires completion of separate family identification and profile forms, the Case Management Coordinator recommends to the Judge referral to ADR services that might include mediation, settlement conference, pre-trial conference or educational programming. As in Johnson County, Monroe County requires more resources in order to make more frequent use of ADR. Local resources are being pursued that might provide for such services.

The Monroe County Bar also indicates its commitment to resolving family matters in a less adversarial fashion and is working cooperatively with the court through the local family court advisory board.

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<sup>18</sup> *Ibid* at footnote no. 3.

The Porter County project has made provision for referral to mediation services within its Family Court Project Manual. It is within the discretion of the family court to assign any case to mediation and provide a mediator if the case is referred. The project has 3 mediation service programs available including one to provide services to Pro Se litigants to aid in custody and visitation agreements in paternity cases through a cooperative agreement with Valparaiso University Law School.

Provision of mediation services is documented and the case mediator is identified within the family court case management report and in the family court case database. Noteworthy is that of 26 paternity cases referred into the paternity mediation program in Porter County, 25 reached agreement. The average length of time to reach agreement in these cases was one hour and 20 minutes.

Although not one of the family court pilot projects, Putnam County was an original applicant for a pilot project and it conducts an ADR program that bears discussion in the context of best potential practices for Indiana's family justice system. This program is referred to as a "facilitation" program. It is designed around a conference at which parties and family members attend. It is lead by a lawyer who is trained in family law mediation. This "facilitator" does not represent any party present, but engages those present in a collaborative effort to reach an acceptable solution to outstanding issues.

The program is supported by a modest grant from the Indiana Court Improvement Project. Parties may be assessed a fee for the facilitation process based on their abilities to pay. Fees may range from \$10 to \$100 per hour.

All family-related matters, including CHINS, TPRs and domestic violence matters can be referred by one of three Putnam Count judges who handles family cases to the facilitation program. Once referred parties attend an intake meeting at which they can consent or refuse to participate in the facilitation program. However, in certain matters, particularly CHINS or termination of parental rights cases, the parties may be ordered to participate. Agreements reached in a "facilitation" require judicial approval.

### **Pilot Project Challenges**

The challenges identified and discussed within this section were not disabling to any of the family court pilot project efforts. However, they do represent issues or situations that should be reviewed in order to ensure success related to the mission and objectives of each of the pilot family courts and continuing development and implementation of the family court concept in Indiana.

- **Appropriate staffing levels**

The efficiency of a family court is commensurate with staff resources that are sufficient to complete case processing tasks. Rarely are pilot project efforts supported at levels that enable courts to hire the staffing complement they need for this purpose. While Porter County was fortunate to draw family court staff resources, in part from the county

probation department for a Special Services Probation Officer, and from the local mental health agency for the Family Court Coordinator, Johnson and Monroe counties were not as fortunate. The Court Administrator aided Johnson County's administrative and statistical recording responsibilities, but only one staff person was available for day-to-day case processing tasks. In Monroe County, one Case Manager managed the pilot project and engaged in daily case processing tasks with little or no formal assistance.

These staffing challenges limited Johnson and Monroe County in their respective abilities to conduct comprehensive intake assessments and screenings for family service needs and to make timely linkages to agency and community services resources.

- **Limited project timeframe to adequately demonstrate benefits of a family court.**

Successful outcomes for families in court are often determined by longitudinal considerations such as whether families return to court, at what intervals they return and whether timely, efficient, user-friendly and less adversarial services generally benefit them. Such measures are difficult to determine when project data is captured for less than 2 years.<sup>19</sup> In this instance, project data was captured for, at most, 14 to 15 months at the same time project judges, staff, practicing attorneys and other relevant stakeholders were struggling to acquaint themselves with new rules, policies, practices and procedures.

- **Absence of an automated information system with basic family case management functionality.**

The fact that few courts in the United States have effective, user-friendly, automated case management, information and tracking systems should not minimize the need for such a system for either the pilot family court projects or the Indiana Courts in general. Central to the function of an effective family court is its ability to coordinate cases between family members and link those cases in the system. While no automated system can ensure that family members and cases are found and linked 100% of the time, such a system can dramatically improve any other manner by which family members are linked together in the courts.

CFCC herein acknowledges the efforts of the Judiciary Technology and Automation Committee (JTAC) in exploring the means to develop and implement court automated systems that are capable of networking outside of local court jurisdictions. These efforts notwithstanding, the pilot projects are compromised in their ability to make these family member linkages in an accurate and timely manner without automated assistance.

- **Limited alternative dispute resolution resources.**

Another crucial element of the family court system involves emphasis on resolving family disputes in a less adversarial manner. Each pilot project has indicated a need for additional ADR services in their county to assist them with this part of their mission. Moreover, survey results relative to ADR for family matters (Charts I-11, 12, 13, and 14)

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<sup>19</sup> *Ibid*, footnote no. 6 at pg. 86.

tend to indicate access to ADR services for Pro Se litigants and parties with limited incomes to be inconsistent in Indiana.

### **Project Innovations and Best Practices**

Whether or not the outcomes associated with the family court pilot projects reveal the feasibility of continuing and/or expanding the family court concept, these pilot projects have revealed individual best court practices for children and their families. These best practices might be considered, further developed and implemented by the courts notwithstanding implementation of a comprehensive family court system. The most noteworthy of these practices appear and are described below.

- **Development and use of a family court handbook that explains in brief, simple language the operation of the family court, identifies its key personnel and includes a simple user satisfaction form.**

Although brief, the Johnson County Family Court Handbook contains useful information about the pilot project, identifies key players, and provides sample forms and a user satisfaction document. Besides providing useful information for litigants, the handbook help to ensure system accountability and provides the family court with a specific identify. The handbook might be expanded to include relevant rules of practice for future printings. To the extent that family courts are implemented in any other Indiana jurisdiction, development and printing of a litigant-friendly handbook in those jurisdictions should be considered a good practice.

- **Appointment of an attorney for every family court party that desires legal representation.**

The Johnson County Family Court Project made an early commitment to ensure that every party who came to family court would be represented by an attorney if the party so desired (See Chart II-11 which indicates an 88% attorney representation rate for family court cases in Johnson County). This commitment meant a sacrifice for the project with respect to hiring additional staff and securing additional resources. However, Judge Mark Loyd recognized that family-related cases often languish in the courts because the parties are frequently Pro Se litigants. By securing an attorney for parties who desired one, delays related to completing and filing necessary documents and making necessary appearances were minimized. Moreover, settlement negotiations proved more fruitful and relatively few continuances were granted during the project (Note that 28 continuances were granted in 136 cases in Johnson County).

CFCC recognizes that few, if any, courts have the resources sufficient to appoint an attorney for every person who comes to family court. However, the value of legal representation in such matters should not be lost for purely financial reasons.

- **Magistrate control over case management activities in the family court.**



Effective case flow management requires input from a variety of system stakeholders. During this process, a clear understanding must emerge that places the control of case flow management squarely within the province of the Court. Johnson County's Family Court Magistrate has effectively assumed control over the management of cases. By possessing more information concerning the total involvement of the family in the courts much earlier, the Magistrate has been able to treat these matters as a priority, address family service needs, and conduct and schedule meaningful case events. As indicated in Chart II-7, families have received needed attention and services relatively early in their involvement with the courts by participating in the first significant case event within 29.9 days after the case is filed in the family court.

- **Use of a Party Appearance or Family Information and Family Indicators or Profile form to assist in efficient family court case management.**

The ability of a family court to manage its cases in a timely and effective manner is directly proportional to the quality and timeliness of information it receives about the case and the family within the case. Accurate information about the nature and type of case, the issues that require the courts attention, unresolved issues, other cases involving the party and other family members, and in some cases, information concerning family history of domestic violence and/or substance abuse helps the court with two important issues. First, it allows the court to assess the most immediate needs for the family and enter appropriate court orders and make expedited referrals to services that might include legal representation, mediation, or family counseling services. Second, it allows the court to assess the complexity of the case, estimate its own resource requirements to manage the case effectively and place the case within an appropriate case management standard or track.

Each family court pilot project used a party appearance (Porter) or family information form (Johnson and Monroe) for this purpose (A copy of the forms used by each of the pilot projects is attached hereto within Appendix 3.). Ideally, both the initiating and responding parties should file this form at the time of filing their initial appearance documents.

Each family court project also utilized a family indicator (Porter) or profile (Monroe and Johnson used a similar, untitled form) form. This document was used by family court staff, after reviewing the party appearance or family information form, to identify family service needs, to identify multiple case involvement or other family member involvement in the courts, to record service referrals and to track significant case events (Copies of these forms from each pilot project are attached hereto within Appendix 4.).

Ideally, each of these documents should be formatted within an automated information management system so that relevant information can be electronically transmitted (with appropriate security) to appropriate personnel in and outside the court.

- **Regular meetings of a Family Court Advisory Board with detailed minutes prepared and widely distributed.**

The Family Court Advisory Board in Johnson County is representative of a variety of stakeholders who provide services to children and their families within the jurisdiction. There are many additional persons including members of the practicing bar who are potential system stakeholders. For practical reasons, they are not Advisory Board members, but would benefit from the knowledge of the decisions and discussions of the Advisory Board. Minutes prepared from these minutes are detailed and provide a good overview of the development and implementation of the pilot effort. Their wide distribution assists in educating a broad base of potential users of the new system about important issues.

Family court advisory groups have also been formed in Monroe and Porter Counties. Each of these groups meets regularly to discuss project progress and make recommendations to court staff concerning project activities.

- **Emphasis on complex dissolution matters as a means to provide more timely and effective services to high conflict families.**

In the Monroe County project, assignment to one judge of the complex or high conflict dissolution cases provides the system with a renewed opportunity to provide more focused case management and social services to the court's most challenging families and their cases. Complex or contentious dissolution matters often languish for extended periods in the courts because neither judge, attorney nor case manager wants to experience the frustration that comes with these cases. A concentrated effort toward resolution of these matters may prove to be an effective long term investment in court resources, ultimately resolving cases that might otherwise remain open for several more years.

- **Scheduling of significant events in separate cases involving the same family concurrently before the same judge.**

In Monroe County, Judge Viola Taliaferro handles the cases of those families who are in the court system with multiple matters pending. She has adopted the practice of scheduling up to several significant case events for the same family simultaneously with the idea that the court can more effectively work with the family and reduce numbers of necessary court appearances. As Judge Taliaferro has pointed out, "Litigants don't make distinctions between cases." Indications are that this practice is effective and is supported by both the local prosecutor and public defender.

Jurisdictions that may wish to implement a family court and consider this case management approach as a potential best practice are cautioned to secure the input and agreement of the local prosecutor, public defender and the defense bar. In this manner, obstacles relating to confidentiality for victims and notions of bias or pre-disposed decisions from the bench based on knowledge relating to other concurrent proceedings can be minimized.

- **Emphasis on case tracking and information sharing through development and implementation of an active case monitoring and status review component.**

In Porter County, the family court project has made creative use of a family court coordinator, 2 part-time case managers and a special service officer for case management and tracking purposes. This staffing component is able to: (1) Identify multiple case families in the court system with a higher degree of certainty; (2) Secure more information on these families that can be shared with judicial officers and other appropriate persons for the purpose of making more effective decisions and ordering more appropriate services; and (3) Create a comprehensive and meaningful database of cases within the family court project.

Porter's County's approach to case management and tracking recognizes the necessity and value of an appropriately staffed family court. It was not within the scope of this evaluation to relate appropriate tasks to staffing resources. However, CFCC can state confidently that the case processing tasks normally associated with family court matters are best completed by a sufficient complement of court staff who are appropriately trained and experienced in such matters.<sup>20</sup>

- **Development and implementation of local rules of practice for the family court project.**

Local rules of practice in Johnson and Porter Counties have enabled these courts to manage cases more effectively by setting guidelines for attorneys and pro se litigants on how cases are to be specifically managed beyond policy changes. Local rules can be distributed to the practicing bar as a means to inform and educate them about the new court. The Project Manual in Porter County contains these rules of practice and represents a good potential training tool for Porter County practitioners.

- **Use of local law schools to help address mediation and ADR resource needs.**

The Porter County project entered into an agreement with the Valparaiso University Law School to provide student mediation and ADR services for pro se litigants as a part of the law school clinical program. This effort represents a good example of the court recognizing the potential resources that are available within the community and bringing those resources to bear for the benefit of family court users.

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<sup>20</sup> RECOMMENDATION NO. 4, RECOMMENDATIONS FOR A MODEL FAMILY COURT, A Report From the National Family Court Symposium, National Council of Juvenile and Family Court Judges (May 1991).

## ***IV. Recommendations***

### **Overview**

The recommendations that follow are offered by CFCC after comprehensive review of the survey and focus group results discussed in Section II and the progress of the family court pilot projects discussed in Section III. They are intended to reflect the opinions of survey respondents, focus group participants and stakeholders among the three pilot family courts, as well as the considered opinion of CFCC after analysis of data gathered during the course of this evaluation effort. It is important to note that these recommendations are broad-based and may encompass many of the recommendations or suggestions that appear within text narrative in Sections II and III of this report.

#### **1.**

**The Indiana Supreme Court is urged to continue the business of the Family Court Task Force. The responsibility of this Task Force should be expanded to explore on a continuing basis, long term funding strategies, court rules, policies, practices and procedures for the Indiana Courts respecting family court matters and to make recommendations to the Supreme Court concerning areas in need of attention.**

**The Family Court Task Force should provide guidance to and coordination of local planning efforts and to any other Supreme Court committees that address issues relating to family courts and domestic relations, domestic violence, juvenile justice, foster care, child support and access to those systems of justice and to a resource development capacity.**

### **Commentary**

Demographic diversity between court jurisdictions and varied practices within Indiana's family law system make the development of an effective multi-disciplinary collaboration to examine practice and policy issues an important priority. The Indiana Judiciary, the State Bar of Indiana and the clinical and services communities are urged to work collaboratively via the Supreme Court Family Court Task Force to help shape the practice of family courts and the juvenile and family law system, in general. This collaborative process will encourage competent examination of issues related to system practice, aid in identification and replication of best practices in certain jurisdictions, promote increased education, training and resource development and sharing opportunities and encourage excellence in practice within Indiana's courts.

CFCC recommends that the Family Court Task Force focus its efforts on four specific functions:

- Investigate and consider long term funding strategies to help support family court services in Indiana.
- Develop and implement a permanent, family court resource development and sharing and training capacity under the auspices of the Indiana Supreme Court.
- Provide oversight to a statewide planning effort for expansion of family courts.
- Provide continuing coordination with Supreme Court Committees that have been created to address family law and justice issues, either directly or indirectly.

### **Fiscal Implications**

The Family Court Task Force should be a permanent, standing committee. It should consider meeting on a quarterly basis. The Indiana Supreme Court should seek appropriations, if necessary to support efforts that are important to it.

### **2.**

**A high priority of the Family Court Task Force might be to examine and consider long term funding strategies to permit development and implementation of family courts and/or related court services in Indiana. This examination should consist of an analysis of:**

- **All available options including potential increases in state funding to support expansion of family courts.**
- **Co-funding between participating agencies.**
- **Potential grants for family court service projects.**
- **Surcharges attached to filing fees.**
- **Fee-based income for services provided.**
- **Current resources and potential for re-distribution.**

### **Commentary**

Chart I-3 indicates that a significant number of family-related matters come to court with another family member presently involved with the courts. Other Charts that focus on survey data indicate a need for increased ADR services, increased case management services and social services. Focus group results indicate need for improved case tracking procedures, improved response to domestic violence protective order matters, increased ADR services, and expedited procedures for family matters and more training.

The collective experiences of the three pilot projects indicates significant family member crossover in the courts and that the system would continue to benefit from a court structure that allows for coordination and more effective case management of these matters.

CFCC therefore concludes that Indiana's families and its courts would benefit from a continuing effort to examine the means possible to expand the concept or the individual elements of family court practice through development of long term funding strategies.

### **Fiscal Implications**

Costs associated with analysis of Indiana's family court system funding stream should be borne by those dollars that are committed to general family court task force operations support. If grant project dollars are a potential means of support, consideration might be given to creating a policy that requires addition of a "family court task force assessment" to every family services related grant application made by or on behalf of the Indiana courts.

### **3.**

**The Supreme Court Family Court Task Force is urged to consider the establishment of a resource development capacity that will do the following:**

- **Develop or identify judicial leadership programs in which appropriate members of the bench can participate and assist in facilitating their participation.**
- **Identify best practices within Indiana's family court and justice system and the means necessary to share information concerning them and attempt to duplicate those best practices in other Indiana jurisdictions.**
- **Identify best practices in other state family court systems and share information concerning them and attempt to duplicate those best practices within Indiana.**
- **In cooperation with the Judicial Technology and Automation Committee (JTAC) determine necessary functionality for an integrated family court automated information system and work to identify potential resources to underwrite development of that functionality.**

### **Commentary**

A resource development capacity should be developed for the purpose of identifying and prioritizing resource needs for Indiana's system of family justice. The various agencies whose personnel might participate in service delivery for families in court should work together in order to identify potential resources, as necessary.

**The Family Court Task Force should provide oversight for this process.** If this capacity is to be developed in the form of a committee, membership should be representative of the stakeholder disciplines located within Indiana's family justice and human service component as well as the various law school and adult education communities.

Several exceptional programs, procedures and "best practices" have been developed and implemented by the Family Court pilot projects. A significant portion of activity should be directed toward informing the family justice community of these innovations through

development of print media and arranging for on-site visitations in order to increase the possibility of duplicating these best practices in other Indiana jurisdictions.

**For family court and justice resource needs to be met adequately, judicial leadership should be encouraged and identified.** Many Indiana judges presently take an active part in promoting and unifying efforts to focus attention and resources on meeting the needs of Indiana's families and their children. Additional leadership activities in which Judges can participate include:

- Identification and prioritization of the treatment needs of families;
- Encourage cooperation and coordination and help to eliminate "turf-battles" among public and private agencies;
- Evaluate what has and has not worked in addressing the needs and problems of families, particularly respecting family court efforts;
- Heighten public awareness of the Court's efforts, services and needs through the involvement and skills of community and business leaders;
- Establish realistic goals for meeting family needs and work toward those goals; and
- Initiate full, open and working partnerships between the public and private sectors to benefit families.

CFCC is acutely aware of the challenges faced by the judges who exercise leadership within Indiana's family justice system. Participation in community outreach, partnership development and program advocacy activities require interested judges to devote non-work hours to these efforts. Simply put, there is frequently not enough time for judges to commit to these activities. **Every effort should be made to promote judicial leadership by helping all system stakeholders understand its importance.** Aside from educational efforts, this process requires inquiry into the means to provide judges with family case-type calendars more time during normal court hours to participate in these efforts. Increased emphasis on the emerging family case coordinator model of case management may be an example of how to provide judges with more time for leadership activities.

#### 4.

**The Family Court Task Force may wish to consider appropriate benchmarks or performance measures for family courts within Indiana. These performance measures might be loosely based on the general Trial Court Performance Standards as promulgated by the Bureau of Justice Assistance (U.S. Department of Justice.) If consensus can be reached, and funding obtained, the Family Court Task Force may wish to consider promulgation of statewide standards for family courts.**

#### Commentary

Indiana's family court project and family justice system must demonstrate to the people of Indiana and to the state legislature the means through which it can potentially save public funds over a long period by providing adequately funded prevention and

protection services to families in crisis now. **This process requires development of a comprehensive set of benchmarks or performance standards and measures that when applied to measurable outcomes, will justify the need for an appropriate level of resources and identify “best practices” throughout Indiana’s family courts and family justice system.**

The so-called Trial Court Performance Standards set forth five very general performance areas that can be used by the Family Practice Committee and the local district planning groups as the basis for development of more family justice-specific performance measures or benchmarks. These general standards are:

- Access To Justice
- Expedition and Timeliness
- Equality, Fairness and Integrity
- Independence and Accountability
- Public Trust and Confidence

Each of these standards should be considered independently by each family court or court jurisdiction. Planners might undertake this task in the following manner:

- Identify and define specific standards of the family justice system as they relate to each area. For example, one standard may be to “guarantee that courts services are equally accessible to all litigants regardless of race, ethnic background, or socio-economic status.”
- Determine the means to implement the identified standard, utilizing the “decision points.” These decision points should be applied to each task considered by the planners to be key to the implementation process.
- Identify the process by which successful implementation of the standard will be measured. This exercise may require statewide data gathering and identification of certain data sources. Typical among them is review of court and case records, observation of court proceedings, surveys or focus groups.

When considering development of benchmarks or performance standards, it will not only be important to the planners to discuss the service they would like to develop and implement. They should also consider the important points they need to make to their respective county commissions, the state legislature and the public, generally. These points should demonstrate the effectiveness of their planning and program efforts and should particularly demonstrate cost-effectiveness. In this manner, Indiana’s family courts and family justice system will have created not only an internal accountability system, but will have encouraged a positive perception of a justice system based in accountability. This perception is key to preserving not only justification of the need for additional resources, but to the independence of the judiciary, generally.



## Fiscal Implications

The cost of measuring court system performance should, in time be borne in the budget of the judiciary. Roughly 10% of an operations budget has been recommended as adequate funding for court evaluation practices.<sup>21</sup> However, **the process of developing benchmarks or performance standards and measures could be supported by identification of potential funding resources through the analysis discussed in Recommendation 2.** It is noteworthy that since the release of the BJA Trial Court Performance Standards, the State Justice Institute has indicated interest in and has funded similar efforts in other state court systems such as the Delaware Family Court<sup>22</sup>. Planners may also wish to contact the National Institute for Justice, the primary research arm of the U.S. Department of Justice, for additional information on prospective financial support for court evaluation activities.

## 5.

**Potential solutions to challenges focusing on coordination of multiple cases involving the same family or multiple proceedings involving the same family member should be explored by local courts and on a statewide basis with guidance and encouragement provided by the Family Court Task Force.**

### Commentary

Survey respondents and focus group participants indicated their belief that coordination of multiple cases involving the same family was very important. In many other states, judges, court managers and family advocates have expressed this as a concern since the early 1990's.<sup>23</sup> Many advocated for expansion of the family court project to other counties in Indiana. Diversity of practice, case volume and resources from county to county present Indiana with difficult challenges in moving toward a family court system. However, many practice measures may be developed and implemented that might improve case coordination and ultimately, family justice system response to those families that are facing multiple court proceedings.

If other Indiana court jurisdictions determine that case coordination and specialization by judges is needed or desirable, they may wish to consider their own needs assessment exercises patterned after CFCC's efforts for this project. These elements might include:

- Conduct a statistical search that reveals the volume of cases in which more than one family member is involved and/or the number of family members that are involved

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<sup>21</sup> See: Kuhn, J.A., *A Seven-Year Lesson on Unified Family Courts: What We Have Learned Since the 1990 National Family Court Symposium*, ABA Family Law Quarterly, Vol. 32, No. 1, pg. 87 citing *Methodological Considerations in Evaluating Family Court Programs*, Family & Conciliation Court Review, Vol. 35, No. 1. (1997)

<sup>22</sup> Family Court of the State of Delaware, "Family Court Performance Standards and Measures," December 1999.

<sup>23</sup> See: "Court Coordination of Family Cases," National Center for State Courts, 1992, pg. 39.

simultaneously in more than one proceeding. This effort may involve a rather exhaustive search of physical case files.

The incidence of multiple family member involvement or multiple case involvement by one family member should amount to more than 20% or at least 1 in 5 cases for sheer case volume to be considered as one of several reasons to restructure case flow management.<sup>24</sup> Chart I-3 tends to indicate that threshold among survey respondents.

- Survey the judges who handle family cases concerning the need to better coordinate multiple family member cases. Despite the frequent call for an improved system of case coordination, many judges and court staff may be generally aware of other proceedings involving the family or of other proceedings involving the same family member. Although this information may come to the judges' attention informally, the fact that it does may speak to a less urgent need for improved case coordination measures and an increased urgency to develop the means to document existing coordination efforts in other court jurisdictions.
- Document any incidents of duplication of efforts, issuance of conflicting orders, delays in adjudication or disposition or delay in service delivery. Such events cannot normally be discovered during normal case file searches. This process may require the court to interview or survey parties or family members to determine the incidence, if any, of these events.

Should a pattern of these events be discovered, it would be important to pinpoint their cause and to determine case-by-case solutions as a first measure, rather than to embark on a comprehensive system overhaul.

Should local planners decide to focus on family-related case coordination, their attention should be directed toward four areas: (1) Calendar management; (2) Coordination with other agencies; (3) Management of court records and (4) Local court organization.<sup>25</sup>

**Calendar management.** A judicial district may elect to assign one judge for family-related cases or assign all matters for the same family to the same judge. A fundamental issue when considering this manner of case assignment relates to judicial rotation in order to avoid undue stress on or burnout of the judge.

Also to be considered is the issue of priority setting in which the local planners decide which family matters (generally emergency removal of children and issuance of temporary protective orders) the court will hear, even on an emergent basis, before all other matters. This issue may have particular relevance in a larger volume county. Within a larger county, a judge might be compelled to recess or adjourn a trial in order to handle an emergent, temporary protective order proceeding because the applicant is part of a family to which the judge is assigned. In such circumstances, the judge should be

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<sup>24</sup> See: "Court Coordination of Family Cases," National Center for State Courts, 1992, pgs. 64-69.

<sup>25</sup> *Ibid*, at page 47.

assured of a calendar management system in which s/he will be able to return to that trial within a reasonable time in the schedule.

**Coordination with other agencies.** Important information concerning family members can be available within the court's automated information system, via prior court orders, agency reports and through conversations with system stakeholders. Other state courts have developed interagency coordination teams, centralized screening teams that include representatives from stakeholder agencies and assignment of all family members to one team member within the unit.<sup>26</sup>

Establishing linkages between the court information system and the Department of Children and Families information system may assist the case coordination process by expediting the flow of information concerning families who are involved in both systems. JTAC and leadership within DCF would likely agree that efforts should be undertaken to determine what information would be helpful to exchange and how respective information systems must be configured to allow such information to be moved between systems.

Should the respective agencies ultimately decide to combine or make inter-changeable certain portions of their databases concerning child welfare and/or other portions of their respective systems, they should work to consider appropriate functionality and to particularly consider:

- Development of common code tables.
- Agreement on common definitions.
- Time intensive nature of systems modification.
- Difficulties inherent in developing a statewide system when considering regional differences in data needs.

Dependency-based management information systems that have developed linkages between the courts and the state's child protection agency include the JCATS (Juvenile Case Activity Tracking System) System in Cincinnati, the FACTS (Family Automated Case Tracking System) System in New Jersey and the JOLTS (Juvenile On-line Tracking System) System in Arizona. More information on each of those systems is available within the court administrative offices at each location.

Sharing of information concerning family matters between the courts and local health and welfare and juvenile corrections agencies will aid substantially in the ability of the court to coordinate matters related to the same family. Some of that information may be considered confidential by the respective organizations that possess it. When working to identify the kinds of information that would be useful in the coordination process, stakeholders might also determine whether that information might be confidential and by what authority it is considered confidential. In situations where the law does not appear

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<sup>26</sup> See: Children's Cabinet approach in the 2<sup>nd</sup> judicial district in Reno, Nevada. See also: Neighborhood Place Program in Louisville, Kentucky and the Team-based Case Management approach in the family court within the New Jersey Judiciary.

to prohibit the exchange of that information, drafting and execution of formal information sharing agreements and protocols may be advisable.

**Management of Court Records.** Coordination between multiple cases within the same family might also be accomplished by adoption of a local policy that requires assignment of a unique family file number or identifier to each family in the court system. This identifier will lead court personnel to other court matters pending within the family whenever a new filing is received. The challenge in developing a unique family identifier is that family members may have different surnames, addresses or other identifying information. To help address this issue, those courts that use a “case appearance” or “family information” or equivalent document that is completed with every new filing, include an inquiry concerning other family member matters pending before the courts.

**Local Court Organization.** Local courts may wish to review the organization of the case management arm of the court when considering the means to increase coordination of multiple cases within families. **The emerging position of Family Case Coordinator or Manager within the family court project structure represents significant potential to increase case coordination activities.**

In other court systems<sup>27</sup>, court clerk staff have been assigned exclusively to family-related cases. This exclusive assignment allows the family case court clerk to concentrate on family cases, promotes increased knowledge of those cases requiring coordination and ultimately, aids in the coordination of multiple case family proceedings. In considering whether to commit clerk resources in this manner within the judicial districts, determining family-related case volume in proportion to total court caseload and the frequency of multiple case families that appear in the court system should be key decision points for the local district planning groups. Full time commitment of a court clerk to family-related cases may, in fact, save resources by streamlining the family case reception and establishment process (receipt of documents, filing fees and creation of the case file.).

### **Fiscal Implications**

On one hand, development of a case management system based in multiple family member coordination may require minimal fiscal commitment beyond intensive planning efforts at the local level. On the other hand, a coordinated system of case management may have substantial fiscal implications based on development and implementation of automated linkages between information systems and additional court staff to aid in the coordination process.

With respect to technological innovation, CFCC respectfully suggests that inquiry be made into the costs associated with the creation of linkages between relevant systems based on what information would be sought and its potential for assisting judges, caseworkers and other decision-makers.

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<sup>27</sup> New Jersey Superior Court, Family Division; Hawaii District Family Court; Delaware Family Court.

Additional court staff resources in the form of family case coordinators or managers require commitment via budgetary appropriation. It will therefore be important to demonstrate to state legislators and local governments the positive impact of this position on the case coordination process and on families in court, generally. Timely service intervention and adjudication and increased public trust and confidence in the court system that results from litigant experience are among those positive, measurable outcomes. Costs and possible fiscal resources for performance measurement exercises are discussed within Recommendation 4. The means to determine staffing needs are discussed within Recommendation 6, below.

## 6.

**Existing and future family courts, with guidance provided by the Family Court Task Force, should consider future staffing needs of their respective jurisdictions based on a weighted family caseload formula in order to ensure that all family-related matters receive adequate staff support.**

### Commentary

The ability to process cases effectively and expeditiously depends, in part, on the amount of staff support available for these functions. It is important to the long term court planning process that staffing needs be matched to performance standards and measures so that fulfillment of the court's mission is better assured. Moreover, when determining staffing needs for courts that handle family related matters, it is important to recognize the difference in those cases and to develop a formula that accurately identifies staffing needs based on projected case filings and the amount and intensity of tasks associated with each of those filings. For this purpose, the following procedure is suggested:

1. Identify the case processing tasks including delivery of court services and the staff time necessary to complete the task for each family-related case type. For instance, receipt of the petition and filing fee-10 minutes, establishment of the hard file and case establishment on an automated system-40 minutes, intake or assessment for mediation or other services-90 minutes, etc.
2. Total the staff time necessary to complete all case processing tasks from filing to disposition. Reduce this number to hours and multiply that number times the number of projected filings for the case type on an annual basis. This product represents the total number of staff hours necessary to bring all filings in this case type to disposition over a 12-month period.
3. That number should be divided by the total number of working hours available per FTE staff person on an annual basis. This number is hours worked per week times 45 weeks (52 forty-hour weeks minus 4 weeks vacation, 10 holidays and 5 absentee days), usually 1800 hours. This product represents the number of court staff necessary to process this case type from filing to disposition over a 12-month period.

4. A case type receives a weight based on the amount of staff time necessary to process one type of case as opposed to another. For example, if a domestic relations matter is found to require 32 hours of case processing time (assumes this represents the average of all case types) and a termination of parental rights matter requires 128 hours of case processing time, the TPR matter receives a case weight of “4.” This means that if domestic relations cases and TPR cases were to be processed in the same amount of time, it would take 4 times as many staff or staff hours to complete the case processing tasks associated with the TPR matter.

However, because these matters are not expected to be completed within the same timeframe and the volume of TPR filings is considerably less than domestic relations filings, 4 times as many staff are not necessarily required to adequately process TPR cases. The purpose of the weighting process is to assist in determining overall staffing needs in local jurisdictions where court staff are likely to perform a variety of case processing tasks for different case types.

Summarized, the projected staffing needs equation looks like this:

$$\mathbf{M/60 = H \times A = C/1800 = Staffing Requirement}$$

M = minutes of case processing time per case.

H = hours of case processing time per case

A = annual case filings.

C = staff hours necessary to bring one case of one type to disposition annually.

Key to this process is agreement on and identification of appropriate case processing tasks for each family-related case type by local family courts or justice systems. As part of the local planning process, decisions must be made concerning the extent to which assessment and intake and other direct court services will or should be provided by court staff. Present staffing needs, without consideration for delivery of additional services may require development and distribution of a survey mechanism to court staff who are presently involved in case processing tasks within the a number of local courts. This survey should ask for identification of regular case processing tasks that occur for domestic relations, domestic violence, and child protection, juvenile justice and guardianship matters and request time estimates for completion of each of those tasks.

Once analyzed, this data should be reviewed on a comparative basis by the Family Court Task Force to aid in identification of the best case processing practices within Indiana. This process requires a review of tasks, time incurred for each of those tasks and measurement of outcome, including compliance with time standards and quality of disposition. Outcome measurement may require information gathering from litigants.

## **Fiscal Implications**

The process of projecting staffing needs for family-related matters within the local courts is a portion of the activities that might be supported by funding mechanisms or resources that are discovered during a funding resources analysis as discussed within Recommendation 2. However, the process may be one that interests the State Justice Institute, to the extent the process, and its findings might be published and distributed to a broader audience of state court managers.

### **7.**

**Coordination between the Family Court Task Force and the Judiciary Technology and Automation Committee should be encouraged so the technological needs of Indiana's family justice system are identified and addressed as comprehensively as possible.**

## **Commentary**

The potential benefits of technological innovation for Indiana's family justice system require exploration by persons familiar with the information needs of each system stakeholder. The Judiciary Technology and Automation Committee may wish to coordinate with the Family Court Task Force to inform both it and interested local jurisdictions of relevant efforts in which it is engaged. Moreover, local jurisdictions should be encouraged to make inquiry of JTAC concerning ideas and issues they may wish to pursue that would make better use of technological innovation within their own jurisdictions.

CFCC respectfully encourages joint collaboration between JTAC, the Family Court Task Force and interested local jurisdictions to consider the means through which technological innovation will assist Indiana's family justice system in documenting systems performance and for building a case for additional resources where resources are needed. Automated systems should be able to demonstrate the effectiveness of mediation and other forms of alternative dispute resolution in reducing times to disposition or termination in domestic relations matters. This process would require data extraction that ultimately indicates the average time to disposition without mediation or ADR versus the average time to disposition with mediation or ADR. Such information might be useful in presenting a case to the state legislature and local funders for needed resources to hire more mediators or develop more ADR programs.

Another similar example is attributable to the functionality of the FACTS system in the New Jersey Family Court. This system tracks individual events within family-related cases and attaches time increments to those events. Those time increments can be totaled and applied to the time available for case management personnel in the system. These comparisons help determine court staffing needs. They also help identify best practices within the entire jurisdiction by overlaying time commitments to quality of case

outcomes, e.g., time to disposition, frequency of post-judgment activity and nature of litigant feedback.

These are only two examples of how data collection via technology might be used to assist Indiana's family justice system. If or when these and other potential enhancements to technological innovation are considered, it may be useful for key members of JTAC and the Family Court Task Force to visit or make inquiry concerning systems that have been developed in Arizona, New Jersey and Cincinnati. Of particular interest may be the current juvenile and family information system development effort that is underway in Multnomah County (Portland), Oregon.

### **Fiscal Implications**

Improvements and innovation in technology require significant financial commitments. Given Indiana's experience in overall systems development, systems enhancements can be more easily supported through prospective grant projects that might address themselves to systems performance measurement and development of system linkages with appropriate external agencies.

Financial support for such efforts must, to some degree, come from budgetary appropriations. However, some may come indirectly through grant supported projects. Such programs include the Juvenile Accountability Incentive Block Grant (JAIBG) program which provides support to Department of Juvenile Corrections programs and the Violence Against Women Act formula grants made from the federal Office of Crime Victims within the Department of Justice. Technological innovation may not be central to the project for which grant dollars are received. However, **system stakeholders to determine the potential for funding that can be directed toward technological improvements should explore virtually every federal grant for which Indiana's system of family courts or justice might be eligible in a collaborative manner.**

Moreover, CFCC respectfully suggests that as a matter of policy or practice, every child and/or family-related grant project that is pursued by or awarded to the Indiana courts include a discussion or statement concerning potential implications for automated systems. Appropriate financial support for addressing those implications should be included within these grants, as necessary. In this manner, chances for compromising the integrity of the court's automated system is minimized and the ability to upgrade the system to accommodate the objective of the grant program is enhanced.

**A technology fee assessment may assist with continuing automated systems development.** Surcharges attached to filing fees in Arizona and Idaho help support general information system and technological innovation in those jurisdictions.



8.

**The Family Court Task Force and local courts should work with the state and local bar associations to increase access to the Courts through increased legal representation and assistance for Pro Se litigants in Indiana's family justice system.**

**The use of standardized, bilingual and downloadable forms from a judiciary web site would provide opportunity to increase access to the courts for low income and/or *Pro Se* litigants. This concept should be investigated.**

**The use of volunteer attorney resources and the concept of "unbundled legal services" to assist low income and/or *Pro Se* litigants may help to assure equal treatment of un-represented parties in juvenile and family law matters in Indiana and should also be investigated.**

**Commentary**

Use of family court pilot project resources in Johnson County to retain legal counsel for un-represented litigants who desire such assistance has proven an effective practice. This practice might compel the Family Court Task Force to work with the state and local bar associations to identify incentives for family law practitioners to serve as volunteer attorneys on a rotating basis. Among possible incentives are reductions in bar dues, waiver of registration fees for State Bar events including CLE programs, CLE credit and credit toward family law certification (should a certification program be developed at some time). The Task Force may also wish to encourage collaborative ventures such as Porter County's relationship with the Valparaiso University Law School clinical program for the purpose of using law school in/externs as legal advisors in a clinical context.

Development of a functional judiciary web site that will allow the public to download simple, standardized forms in English and Spanish may greatly assist in improving services for un-represented litigants.

"Unbundled legal services" allows a low income litigant or party who cannot afford to pay an attorney to represent her/him for the entire legal proceeding to pick and choose the issue(s) on which s/he desires legal representation. In this manner, the litigant is able to afford legal representation on those matters s/he considers most significant. This concept has been criticized as violating certain provisions of the Professional Rules of Ethics for attorneys relating to diligent representation. Absent development of a special exception in the law or the attorney's code of professional responsibility, this concept may leave the attorney vulnerable to legal malpractice in addition to potential breaches of professional ethics. The Family Court Task Force may wish to determine the desirability of providing unbundled legal services to low income parties. In particular, they should consider the means to provide these services without encountering the potential difficulties presented by ethical and legal malpractice implications.

## **Fiscal Implications**

Cooperative efforts between the Family Court Task Force and the state and local bar associations to provide incentives to Indiana attorneys to serve as voluntary lawyers for un-represented litigants may offset need for funding to provide for needed increases in lawyer services. Consideration might be given to requesting income information from users legal assistance services in order to assess usage fees on a sliding scale. If such fees are collected, they should be earmarked to specifically support such programs.

Cooperative agreements with law school clinical programs to provide legal assistance to un-represented litigants in family court matters would have minimal fiscal impact and considerable benefit.

## **9.**

**The Family Court Task Force should work together with the local court jurisdictions to identify additional case-specific ADR services for families and the resources for families that facilitate their participation in those services.**

## **Commentary**

Survey respondents, focus group participants and data outcomes from the family court pilot project indicate the need for increased ADR services for families in court and increased access to those services once they are created and available.

The Putnam County “facilitation” project represents a potential “best practice” approach to increasing ADR services and access to those services for families. The use of volunteer attorney panels composed of 2 to 3 family law practitioners who volunteer on a rotating basis to make recommendations concerning settlement of contested custody, visitation and property distribution matters on individual cases might be worthy of review. Programs of this type are used in the New Jersey and Baltimore City Family Courts with considerable success. To this end, the Family Court Task Force should work cooperatively with the state and local bar associations in Indiana to determine the feasibility of developing such programs.

## **Fiscal Implications**

Costs for mediation and development of traditional ADR resources frequently result in litigants being required to pay fees for these services. This places at a disadvantage those litigants who are unable to afford such services. Volunteer ADR services represents potential to equalize access to such services. Moreover, programs such as the “facilitation” program in Putnam County represent significant long-term savings in time and judicial resources by using special magistrates to encourage case settlement and to avoid more adversarial and costly litigation. For this reason alone, local jurisdictions should be encouraged to review the long-term advantages of investing in resources such as special magistrates for this purpose.

## **10.**

**The Family Court Task Force should use judicial leadership as a tool to establish collaborative working relationships with those public agencies and private organizations that provide either as a focus or as part of their legal responsibility, services for victims of domestic violence. Lead by the Courts, the purpose for establishing such collaborative relationships is to work together to improve the response of the various parts of this system to domestic violence matters, in general.**

**Domestic violence issues that should be given priority once such collaborative relationships are established include: (1) review of what many consider to be an over-broad domestic violence protective order statute; (2) service of process for domestic violence protective orders; (3) monitoring of conditions included within domestic violence protective orders; and (4) increasing attorney and advocacy resources for victims of domestic violence.**

### **Commentary**

The manner in which Indiana's courts and system stakeholders respond to victims of domestic violence has been a discussion topic several times during the course of this evaluation effort. While other statewide committees, coalitions or the equivalent may be addressing or have addressed these issues in the recent past, concerns remain. The Family Court Task Force, should it continue, is in a unique position to bring together stakeholders to help affect improvements for two reasons. First, the Indiana Supreme Court has convened the Task Force and its membership is strongly representative of the state's justice system. As such, it is in a position to provide judicial leadership and influence as a "convener" of stakeholders. Second, the fundamental business of the Task Force is to provide oversight to the development of family courts in Indiana. The family courts in the three pilot jurisdictions have subject matter jurisdiction over issuance of domestic violence protective orders.

If appropriate, the Task Force might give consideration to establishing subject matter jurisdiction sub-committees, one of which might address domestic violence issues. In this manner, the central business of the Task Force is not compromised by a more thorough examination of domestic violence case management and processing issues.

### **Fiscal Implications**

Any Family Court Task Force activities with respect to domestic violence can be supported with federal grant dollars. Significant funding is available from the Violence Against Women Act Grant Program specifically to support development and implementation of standardized case processing procedures in domestic violence protective order matters and to improve the manner in which the justice system responds to these cases, generally. Chances are this funding is presently received by an executive branch agency for related purposes. Should this recommendation be implemented, this possibility should be explored further.

## *V. Conclusion*

This evaluation report has attempted to assess the most significant needs of Indiana's system of family justice and the outcome of Indiana's pilot family court project in the three jurisdictions where the project was conducted. This process has required analysis of survey, focus group and project outcome data. In conducting this analysis, CFCC has applied its own experience in suggesting conclusions based on data analysis. Therefore, the conclusions drawn and recommendations made are based on the independent analysis and professional opinion of CFCC, the project contractor.

As clearly as change and reform is desirable in the family justice system, change in Indiana should be gradual. Arthur Vanderbilt, a former Chief Justice of the state Supreme Court in New Jersey (A state court known for progressive reforms.) once said, "Court reform is not for the short-winded." This evaluation and needs assessment exercise indicates that certain elements of family court are desirable within Indiana's courts. However, a family court within every court jurisdiction may not be Indiana's best response. More appropriate is a place by place determination in which family justice reforms are implemented based on individual needs within demographically and resource diverse jurisdictions.

To the extent possible, expansion of fiscal incentives that encourage development and implementation of family court projects is recommended. Financial support might come from new or existing grant programs. Some consideration should be given to funding of continuing support for family court projects via a supplemental appropriations request or from the Judiciary's general operations budget based on a re-prioritization of anticipated activities and expenses for the ensuing fiscal year.

Project sites should be subject to a thoughtfully conceived performance review process that takes into account the needs of Indiana's children and families as well as basic performance principles of family courts. This performance review should be conducted by an organization, group of persons or person familiar with family court planning, operations and performance assessment.

Whether the family court concept is continued or expanded will depend on a variety of factors that include not only this needs assessment and performance report but also, resource factors and to some degree, the appetite for court reform. Whatever that outcome, individual improvements or component parts of the family court pilot projects that have experienced positive outcomes should not be abandoned. At the very least, this project has helped identify best or model practices that benefit Indiana's children and families. These should be continued and expanded upon for that reason, alone.

## **Appendix 1**

### **Indiana Family Justice Needs Assessment Survey**

***Center for Families, Children and the Courts***  
***University of Baltimore School of Law***

**Indiana Family Justice Needs Assessment Survey**

This survey instrument has been developed and is being distributed at the request of the Indiana Supreme Court Family Court Pilot Project. Its purpose is to help identify present and significant practices related to state court handling of matters related to children and families. It is not intended to serve as an evaluation or performance measurement instrument or as an instrument to determine family court suitability. Moreover, the questions that appear within this survey instrument are not intended to imply a need to either establish or abide by the practices or services described or suggested.

**I. DEMOGRAPHIC INFORMATION**

A. County in which you work: \_\_\_\_\_

B. Position (circle one):

Judge/Magistrate/Judicial Officer

Attorney

Private

Public Defender

Prosecutor

Legal Aid or Services

Pro Bono

Guardian Ad Litem

Other: \_\_\_\_\_

C. Primary Area of Practice or Service: \_\_\_\_\_

D. Employing Agency: \_\_\_\_\_

E. Years of Service in Present Position: \_\_\_\_\_

## II. CASE MANAGEMENT ISSUES

### A. Coordination

1. What percent of your client or court caseload has more than one child or family law matter presently pending before the court? (Circle one)

- a. More than 75%
- b. 50-75%
- c. 25-49%
- d. 10-24%
- e. Less than 10%
- f. Don't know

2. What percent of your client or court caseload has other family members presently involved in court matters? (Circle one)

- a. More than 75%
- b. 50-75%
- c. 25-74%
- d. 10-24%
- e. Less than 10%
- f. Don't know

3. Do you ask your client or the litigant if there are other matters or family members that have matters pending in the courts? (Circle one)

- a. Always (100%)
- b. Frequently (50-75%)
- c. Sometimes (less than 50%)
- d. Never

4. Does an automated system exist in your jurisdiction that permits you or other to review court records "on-line" or by some other means of automated inquiry? (Circle one)

- a. No
- b. Yes

5. How does multiple case or family member involvement in the courts come to your attention? (Circle one)

- a. Client or litigant provides information
- b. Judge or Court Clerk provides information
- c. Information appears in court file

d. I conduct a search for other proceedings. If so, how? (Circle one)

(1) Automated information system

(2) Manual file search

(3) Other: \_\_\_\_\_

6. When multiple proceedings or multiple family member involvement is discovered, what do you normally do? (Circle one)

a. Take steps to consolidate or coordinate the proceedings

b. Transfer the proceedings

c. Inform the court

d. Ask the client or litigant if s/he would like the matters coordinated or consolidated

e. Nothing (Go to question 6a)

f. Other: \_\_\_\_\_

6a. If you do nothing with respect to Question 6, why? (Circle all that apply)

a. Confidentiality issues

b. Ethical issues

c. Constitutional issues

d. Court not set-up for coordination or consolidation

e. Agency policy

f. Not my responsibility

g. Don't know

h. Other: \_\_\_\_\_

6. Does the court(s) with child and/or family law jurisdiction where you work or practice perform "intake services"?\*

a. Yes (Go to question 6a)

b. Some (Go to question 6a)

c. No

d. Don't know

6a. What "intake services" does the court perform? (Check all that apply)

\_\_\_\_\_ Establish a physical case file

\_\_\_\_\_ Establish an automated case record by completing a data screen(s) in an automated information system

\_\_\_\_\_ Assign the case to a Judge

\_\_\_\_\_ Assign the case to a Case Coordinator or Manager

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\* For the purpose of this survey, "intake services" are defined as any services performed by court personnel upon their receipt of a new or re-opened case filing. A case filing is considered to be a petition, complaint or other pleading on which the court is legally and/or constitutionally bound to act.



- \_\_\_\_\_ Conduct a search for other cases or cases with family members
- \_\_\_\_\_ Complete a case summary sheet or equivalent and attach to case file
- \_\_\_\_\_ Conduct an assessment of the case for service referral purposes
- \_\_\_\_\_ Conduct an assessment of the case for caseflow management purposes
- \_\_\_\_\_ Interview litigants or their representatives for case management and service needs assessments
- \_\_\_\_\_ Make referrals to appropriate service providers, including legal services
- \_\_\_\_\_ Schedule hearings or significant case events on a court calendar
- \_\_\_\_\_ Don't know
- \_\_\_\_\_ Other: \_\_\_\_\_

B. Alternative Dispute Resolution (ADR)

1. Are ADR services available to litigants or your clients relative to their matter(s) before the court? (Circle one)

- a. Yes (Go to question 1a)
- b. No

1a. If yes, what ADR services are available? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Are there costs or fees associated with provision of these services? (Circle one)

- a. Yes (Go to question 2a)
- b. No

2a. If yes, what are the costs or fees associated with the ADR services you identified in question 1a? Is there a provision for waiver of these fees?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Is any form of ADR mandated by local court rule, policy or practice in your jurisdiction or within the jurisdictions in which you work or practice? (Circle one)

- a. Yes (Go to question 3a)
- b. No

3a. If your answer to Question 3 is yes, what forms of ADR are locally mandated? \_\_\_\_\_

\_\_\_\_\_

4. Is any assessment or screening conducted to determine client or litigant suitability or risks for participation in ADR? (Circle one)

- a. Yes (Go to question 4a)
- b. No

4a. If your answer to Question 4 is yes, please briefly describe the assessment or screening procedure for ADR in your jurisdiction: \_\_\_\_\_

\_\_\_\_\_

### C. Services

1. Please identify five (5) of the highest priority service needs for children and families in court within the jurisdictions in which you work or practice:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

2. To your knowledge, does your court use community or volunteer resources to provide services to children and families in the courts? (Circle one)

- a. Yes (Go to question 2a)
- b. No
- c. Don't know

2a. Please identify these programs: \_\_\_\_\_

\_\_\_\_\_

3. Is there any multi-disciplinary coalition, task force, regional resource center or other similar entity within the jurisdiction where you work or practice whose mission is to find and share new services and resources for children and families in court? (Circle one)

- a. Yes (Go to question 3a)
- b. No
- c. Don't know

3a. Please briefly describe the nature of the coalition, task force, regional resource center or similar entity, the services it provides and to whom these services are provided: \_\_\_\_\_

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D. Training and Education

1. Have you attended any training or educational programs that relate to children and/or families in court during the preceding 12 months?

- a. Yes (Please list those programs by title or substantive topic in the space provided below)
- b. No

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## **Thank You for Completing this Survey Instrument**

**Please return it in the post-paid envelope that was enclosed  
in the original mailing envelope or return to:**

**Center for Families, Children and the Courts  
University of Baltimore School of Law  
1420 N. Charles Street  
Baltimore, MD 21201**

**Attention: Indiana Survey**

H:\Faculty\JK\Indiana Project\Survey Instrument

## **Appendix 2**

### **Indiana Family Justice Needs Assessment**

#### **Focus Group Outline**

## INDIANA FLIP CHARTS OUTLINE

### Group 1(A)

- I. Preservation of the Rule of Law
  - A. CHINS
    - 1. Access Allowed – mental health records
    - 2. Access Denied – divorce & substance abuse
  - B. Change of Judge
    - 1. Rule – termination case
    - 2. Post dissolution
  - C. Appointed Counsel (Parents)
    - 1. CASA
    - 2. GAL
- II. Service Linkages (Pre-judgment)
  - A. ABA time standards
    - 1. possibility – pushing families through the system too quickly
    - 2. Definite – the system is keeping cases open too long
  - B. Required time limits to closure
    - 1. local rules
    - 2. enforcement of time requirements
  - C. Ex Parte Communication – Emergency orders
  - D. Delay of time and access to information (child protection cases)
  - E. Confidentiality
    - 1. mandatory disclosure
    - 2. needed training by service providers
  - F. Law and Service Community need to dialogue
  - G. Interdisciplinary (education/training)
  - H. Access to information (locating absent fathers)
- III. Safety and Protection
  - A. Putting all cases under “1 Roof”
  - B. Putting P.O. with divorce rather than separate court
  - C. Time delay in service provision – priorities & coordination with court and service providers
  - D. Schools & Courts
    - 1. formalized authority to work together
    - 2. policies
    - 3. alternative schools – keeping kids in school
  - E. Safety risks with ADR
  - F. Space availability
  - G. Assessment to refer to ADR (lethality assessment)
  - H. Mandatory mediation (enforcing the rules) – can be a problem without assessment
  - I. Simple assessment tools

- IV. Earliest Assessment in the system: getting information about family earlier, invasive?
  
- V. Case Management – to track families and determine needs
  - A. Benefits of mediation
  - B. Practitioners not informed about rules and services
  - C. Better trained court staff who know the rules and practices
  - D. Enforcement issues:
    - 1. sanctioning lawyers
    - 2. mandatory training
  - E. Pro Se – increasing concern
  - F. Require CLE in family law
  - G. Very limited Pro Se services
  - H. Domestic Violence – cannot get counsel for women and a court advocate is not enough because not an attorney, and the women cannot always get an advocate
  - I. Temporary Protective Orders (financial issues)
  - J. Time limitation compliance issues – setting date and time TRO ordered
  - K. Expiration of orders
  - L. Not putting into IDACS – law enforcement records
  - M. Mere procedures and rules/compliance with P.O.’s
  - N. Need for Identifiers:
    - 1. social security number
    - 2. dob
    - 3. full name
    - 4. change rules
    - 5. add dates
  - O. Civil court needs access to IDACS
    - 1. on-line inquiry
    - 2. linkages to pass orders directly to law enforcement
  
- VI. Elimination of Future Harm
  - P. Controlled fathers/mothers groups
    - 1. support groups
    - 2. redirect
    - 3. validate
    - 4. options
    - 5. defuse anger
  - Q. Community based groups
  - R. Judges working or speaking with community
  - S. Access to Drug programming – DR discouraged from using court program and financial concerns
  - T. Court involvement in service delivery:
    - 1. mind set (helping/ court disposition)
    - 2. resources

- VII. Availability of ADR services
    - a. Allen County Program
      - i. tracking
      - ii. filing fees to cover costs
    - b. Need to bring on the legal community
    - c. No assessment tool (enough information)
    - d. Mediator/GAL (dual rates)
    - e. Court Calendars are too delayed to get a trial date
    - f. Using ADR as leverage
  - VIII. ADR makes courts more available
    - a. Need for low cost mediation in DR
    - b. Attorney – ADR does it all: filing to conclusion
    - c. Non – attorney ADR
    - d. DR Judicial committee
    - e. ADR in family court cases
    - f. Get local ADR training
    - g. Family group decision-making
      - i. communities of care
      - ii. neighborhood of alliances link to community resources
  - IX. Triage/Collaboration – (court service providers)
    - a. Confidentiality barriers
    - b. Paternity Affidavit (misleading – no support/visitation)
  - X. Barriers to family court
    - a. Turf issues
    - b. Political Accountability
    - c. Budget – financial issues
    - d. Weighted Case loads
    - e. Confidentiality issues
- Group 1(B)
- I. Preservation of the rule of law
    - A. How do we expedite the criminal case so we can resolve child protection case?
      - i. Self incrimination issues – can use CHINS evidence in criminal court
      - ii. Immunity
      - iii. General admission in CHINS
    - B. Enabling Services
      - 1. can not get the needed services b/c of problems with general admission
      - 2. in general admission, do they appreciate consequences?
    - C. Federal legislation telling states what to do
    - D. We do not have resources to get: services, case managers, etc.....



- E. Expediting the criminal case
  - F. Statements made to Child Protection and Service Providers that later incriminate
  - G. Different standards of proof between criminal and child protection
  - H. Problems with Labels – sex offenders
  - I. Schools: information sharing, not wanting to get involved in custody/OFC situations
  - J. Legality of information sharing
  - K. Culture of information sharing
  - L. Trust factor between School / Court / OFC
  - M. Service Provider needs to know what will information be used for? OFC Action, Criminal, Divorce Disputes. Affection treatment in record disclosure: limit release of information forms.
  - N. Legislation to allow schools to get information
  - O. Early appointment of attorney to protect if you cooperate
- II. Lots of Different Record Systems: MH not same as GAL /Casa School
- A. Judge as arbitrator to :
    - 1. who gets access: one system of clear, succinct rule
  - B. Judge as gate keeper: to limit information, and then role judiciary
  - C. Clarity/Specification of what DATA is wanted from the school
    - 1. Screening the DATA request
    - 2. Limiting access on line DATA requests
    - 3. Protocol in writing as to types if access and procedures
- III. Safety and Protection—Protective Order Concerns
- A. How effective are restraining orders?
  - B. Law enforcement issues
  - C. Enforceability of orders
- IV. Monitoring Orders
- A. Getting PO as tactical advantage in DR
  - B. People lie/ omit in PO
  - C. PO—what is the law in time frame
  - D. Education to Law enforcement is PO's: DV: Cowboys
    - Law Enforcement—taking to much authority
  - E. Understanding the cycle of DV
  - F. DP for alleged batterers—need for full and fair hearing
  - G. PO statutes too broad
  - H. Clarity in law on what happens with visitation in PO case
  - I. Need to have testimony/ under oath verification to get PO
  - J. Needs for Judge to enforce orders—consequences
  - K. Ex Parte Emergency Orders
  - L. Set rapid dates for the permanent PO hearing—but service of process problems (date certain)

- M. Service of process problems—not enough sheriffs to get notice out
  - N. Clerk and Staff involvement in PO—gate keeper
  - O. Court personnel involved in processing without training
- V. AD Relations
- A. Parenting time guidelines require mediation over visitation
  - B. Should try mediation before all the discovery
  - C. Mediation takes more attorney preparation—getting more settlements
  - D. Mediation concerns
    - 1. Money vs. Money-Saving
    - 2. DV
    - 3. Responsibility of attorney to tell client about mediation
  - E. Mediation should be used in OFC
  - F. Getting into mediation earlier—avoid getting into adversarial stance
  - G. Mediation isn't right for everyone—Judge needs to see Pro Se Statute first before orders mediation
  - H. Pre-trial conference in DR cases to decide on mediation
  - I. Pro Se is mediation—affordable/ obtainable
  - J. Restorative Justice and victim assistance –not clear
  - K. Mediation in child protection cases—problems: parents don't know consequences
  - L. Case managers obtain agreement
  - M. Should DR juvenile attorneys be trained in ADR
  - N. Juvenile law certification
- VI. Need for Attorney Training
- A. Small bar policies
  - B. More realistic—small practice issues CLE's
- VII. Training in Family Dynamics for Judges
- A. How to assess—expediting cases/coding off periods/ripeness issues
  - B. S.C.: 1 year period
  - C. PO stats show longer period good?
    - 1. Indiana has 60 day waiting
    - 2. Expediting may cause some harm—kids confused/adjust
  - D. Benefits of expediency in divorce
  - E. Time frames based on custody issues
- VIII. J. Embry (Miami)
- A. Middle-ground on juvenile-waiver try as adult if found guilty can use J./ criminal sanctions—doing this in Minnesota? Ash J. Taliaferro
  - B. We need state provided M.H. Services
    - 1. Only 90 in-patient beds in the entire state for minors/kids
    - 2. Don't have continuity of care (acute residential)
    - 3. High number of seriously emotional disturbed kids

4. Judge has to find the bed for the child—MH not responsible for finding inpatient placement for the kid
5. Need more assessment services
6. Need for intensive out patient services
- C. Judge Embry—change if judges bias/prejudice
  1. Party is entitled to change of Judge if he has heard on same issues in a related case
  2. Problem with family court that judge has too much information
- D. High use of ADR
  1. Tried using counselor to resolve issues , but too whimpy—he couldn't resolve anything
  2. Use lawyers—but for pay—we need affordable mediation
- E. Information sharing—M.H. should give the records if contested, require meds.
- F. PO/ TRO—need an affidavit, specific, home and places—compliance with 65
  1. PO Standard date to return
  2. Law enforcement pretty good about serving clothes
  3. No victims assist person—prosecutions refuse though statute requires it
  4. Client's involvement should not happen—prosecutor should do it
- G. Timelines
  1. Attorney's don't prepare for the case
  2. More pre-trial conferences in family matters—causes attorney
    - a. Enforcement and sanction
    - b. Submit list of assets at pre-trial
    - c. Enforcement – you lose trial date

## Group 2: Safety Protection

- I. Anonymity of court—community awareness
  - A. Community doesn't know what is happening in juvenile court
  - B. Benefits
  - C. Courts calendar—delay in getting needed hearing might take 30 days
  - D. Needs if Pro Se litigants—clerks not trained/appropriate for giving legal information
- II. P.O.
  - A. Waving fees
  - B. Attitude of law enforcement
  - C. Needed training on DV
  - D. Use of PO in DR cases as tactical maneuver –increases “adversarialiness”
  - E. Mechanisms to protect child when merging cases
  - F. Consolidation vs. Linked cases

- III. Maintain Rule if Law: DP
  - A. Expediting cases to ensure safety—difficult in one family—one judge system
  - B. Some safety issues are beyond the court
  - C. Assessments in DV cases to know more about victim/perp—more information
  - D. Program to train/help victim's how to protect
    - 1. Requiring batterer to get services
    - 2. Non-Lawyer advocates to help file PO—DV actions
  - E. Role if cases managers to monitor for court compliance/other Staff
  - F. Demand for information
  - G. Need supervision services for visitation and exchanges
  - H. Use of casa programs
  - I. If there is a PO violate at visitation exchanges
    - 1. Delays in expediting Dual CHINS/ criminal cases
    - 2. Difficulties of differences between ASFA safety/ protection vs. Best Interest in divorce
  - J. Case management teams—knowledge of law needed
  - K. One Judge talks to another (UCCJEA) –judicial interference
  - L. Team based case management—case conferencing
  - M. Communication about orders to school
  - N. Making courts more user friendly to non-law agencies and community—what is 310?
  - O. School violence issues: should court be preventive
  - P. Required programming/treatment in PO cases
  - Q. Need to prioritize PO cases and devote more time and effort
- IV. Elimination of Future Charm(Courts involvement in Prevention)
  - A. Proactive in the court system
  - B. Eliminating expulsion in schools: alternatives to expulsion:
    - 1. Mentors/monitors
    - 2. Collaborating with court/school
    - 3. School in the mall
    - 4. Alternative education styles/programs
- V. Prevention Services (Clout of the Court)
  - A. Court orders
  - B. More involvement by court and giving appearance of authority
  - C. Letter from judge to truant parents
  - D. Education neglect specialist
  - E. Juvenile alternative programs
  - F. Limited Resources
  - G. Non-traditional use of judge's time

- VI. Additional Responsibilities of Juvenile and Family Judge's
  - A. Juvenile court advisory—(La Porte) Symposium of service providers and court—how courts and service providers can collaborate
  - B. Intensive case management services
  - C. Sharing of information—confidentiality issues
  - D. Medical community—OFC—Court training—tapping the resources
  - E. Cocaine babies—OFC/ Mental Health collaborate in treatment and maintain bonding
- VII. Availability of ADR—Mediation
  - A. Parenting time guidelines
  - B. Court base might make this programming more secure
- VIII. A D resolution
  - A. Use of non-binding arbitration (ripening the case) (they don't want to resolve—but have them say)
  - B. People aren't always really/wanting mediation (expediting case management not always good)
  - C. Use Fed Model (put a plan together)—more planning needed, parties put the time plan together—they can assess ripeness /need to expedite.
  - D. Move to administrative system at beginning
  - E. More early case management—experienced lawyers can estimate short/long time needed
  - F. Use of CASA in custody
  - G. Looking at a bankrupts plan model counsel/plan before court
  - H. Informal hearing in DR to get provisional order
  - I. Parties must meet personally before requesting contested hearing time
  - J. Difficulty of mediation in CHINS & TPR
  - K. Restorative Justice : Juvenile reparation/Program most delinquency cases
- IX. Rule of Law
  - A. Mandatory information sharing between court and schools
  - B. Confidentiality—need to share information—FERPA issues

- X. Information Sharing
  - A. Court rules on consolidation of cases
  - B. Judicial notice
  - C. Positive about maintaining confidentiality
  - D. Informed consent—families agreeing to prevention source
    - 1. Pre-Adjudication
    - 2. Release of information: family is moving into the system
  - E. Kokomo consortium of information sharing